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Chapter 10-11

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**HISTORY**  
**OF THE**  
**INQUISITION.**



# HISTORY OF THE INQUISITION,

AS IT HAS SUBSISTED IN  
FRANCE, ITALY, SPAIN, PORTUGAL, VENICE, SICILY,  
SARDINIA, MILAN, POLAND, FLANDERS, &c. &c.

With a particular Description of its

**Secret Prisons,**  
*MODES OF TORTURE, STYLE OF ACCUSATION, TRIAL,*  
*&c. &c.*

~~~~~  
Abridged

FROM THE ELABORATE WORK OF  
**PHILIP LIMBORCH,**

*Professor of Divinity at Amsterdam.*  
~~~~~

INTRODUCED BY AN HISTORICAL SURVEY OF THE

**Christian Church,**

And illustrated by Extracts from various Writers, and original Manuscript.

Interesting Particulars of

**PERSONS WHO HAVE SUFFERED**  
**THE TERRORS OF THAT DARK AND SANGUINARY TRIBUNAL,**  
And  
**POLITICAL REFLECTIONS ON ITS REVIVAL IN SPAIN,**

*By the Decree of Ferdinand VII.*

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## PREFACE.



THE learned author of the following work, Philip Limborch, was born at Amsterdam in 1633, where he studied with great success, and at the age of twenty-two entered on the public work of the ministry, at Haerlem; his sermons had in them no affected eloquence, but were peculiarly solid, methodical and edifying. He was first chosen minister of Goudja, and afterwards called to Amsterdam, where he had the professorship of divinity, in which he acquitted himself with great reputation, throughout the remainder of a long and tranquil life; he died in 1712, aged seventy-nine years.

This venerable man, possessed all the qualifications and virtues, which belong to the character of a sincere minister, an admirable genius, and a tenacious memory. He enjoyed the particular intimacy of many distinguished individuals, in his own and in foreign countries, among whom was Mr. Locke, in whose works some of his letters are preserved. He wrote, "A Complete Body of Divinity, according to the opinions and doctrines of the Remonstrants," and several smaller works, besides publishing those of Episcopius, who was his relative.

His greatest undertaking was, "The History of the Inquisition," in which, with vast labour, he availed himself of his talents and peculiar local situation, in gaining access to, and combining the testimonies of, numerous authors. The general plan pursued in the formation of this work, he thus describes: "I have not through an attachment to any party, written any thing contrary to truth. I have made use of Popish authors,\* yea, In-

\* With the exception of archbishop Usher and R. Gonsalvius.

quisitors themselves, and counsellors of the Inquisition, who are so far from having written any thing untrue, out of hatred to the Inquisition, that they every where extol its sanctity and advantages; and therefore whatever they write, I assured myself I might safely relate, without charge of calumny. The reader may perhaps wonder at one thing, that I have always called those who differ from the church of Rome, *Heretics*; he will remember that is not my sense, and I speak chiefly the language of Popish writers; but I sincerely believe, that those whom the church of Rome has condemned for *Heresy*, have died and gloriously endured the punishment of fire, for the testimony of Jesus Christ, and the maintaining a good conscience."

When this work first appeared, it excited great attention, and had the honour of being condemned and prohibited by an edict of the cardinals inquisitors at Rome, who forbad the reading of it under

Montanus a protestant, who gathered a church at Seville, about the death of the Emperor Charles V. which was scattered and destroyed by the Inquisition.

the severest penalties. It received however, the far more positive distinction of John Locke's particular approbation, " that incomparable judge of men and books, who gives it the highest character, commends it for its method and perspicuity, and pronounces it a work in its kind absolutely perfect. In a letter addressed to Mr. Limborch, he tells him, that he had so fully exposed their secret arts of wickedness and cruelty, that if they had any remains of humanity in them, they must be ashamed of that horrid tribunal, in which every thing that was just and righteous was so monstrously perverted ; and that it was fit to be translated into the vulgar language of every nation, that all might understand the Ante-Christian practices of that execrable court."\*

If any apology could be necessary for presenting a work of this kind (for a long time contemplated) to the public, at the present moment, it might be found in the aspect of the times, in which Popery so entirely

\* Vide Preface by the translator, Dr. Chandler, who published this work in English, 2 vols. 4to. 1732, with a long and highly respectable list of subscribers.



overwhelmed in the apprehension of many, is again lifting up its head, and resorting to its usual means of supplying deficiency of argument by force and violence.

In forming this abridgment of Mr. Limborch's valuable work, the editor has used his best judgment, in preserving what he considered as most interesting. The Edicts which are in the original printed at length and which occupy much space, he has generally omitted, retaining their spirit; Wherever it could be done, he has preferred the language of the author; but if he has found it necessary to lessen the number of words, which relate a circumstance, he has still endeavoured carefully to preserve the references, which are so indispensable in the pages of authenticated history.

It appears somewhat remarkable, that few modern writers have regarded the Inquisition, with that pointed attention which its magnitude deserves; the reader of its history will find it no mean object of contemplation. The design of affording an authentic

view of this powerful coadjutor of Romish doctrine, in a portable form, suggested the idea of the present volume. For the selection of notes, (with a trifling exception,) the Introductory Survey of the Christian Church and the two concluding Chapters the editor is responsible; and if the combined effect of his labours should be, that of promoting just views, respecting the proper boundaries of civil and ecclesiastical authority, and of inducing any to believe, from the dire consequences of bigotry and intolerance, that difference of religious opinion is not a proper ground for personal hatred, and that in promoting the happiness of others by every suitable means, we really advance our own; he will feel that peculiar pleasure which arises from the contemplation of exertions, successfully employed, and in this hope the work is now presented to the attention of a candid and discerning public.

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 The Table of the Inquisition ..... to face Page 246.  
 The Procession of the Inquisition for the burning of Heretics to face Page 472.

*A Catalogue of the Authors out of whose writings the HISTORY  
of the INQUISITION is principally drawn.*

**DIRECTORIUM** Inquisitorum Fr. Nicolai Eymerici Ord. Præd. cum Commentariis Francisci Pegnæ J. V. D. Romanæ in ædibus populi Romani, 1535, fol. Eymericus was born at Girona in Catalonia, was a Predicant Monk, and flourished in the papacy of Urban V and Gregory XI. and in the reign of Peter IV. King of Aragon. He was made Inquisitor General about the year 1358, and succeeded Nicholas Rosell. He was made a Cardinal, An. 1356. He died Jan. 4, 1393, having executed the office of the Holy Inquisition for forty-four years together.

Pegna was a Spaniard, of the Kingdom of Aragon, made Auditor of the Roman Rota, in the room of Christopher Robusterius, Oct. 14, 1588. He was advanced to the Deanery of the same court, June 9, 1604, in the room of Cardinal Jerom Pamphili, and died in that Deanery, Aug. 21, 1612.

Francisci Pegnæ Instructio, seu Praxis Inquisitorum, cum annotationibus Cæsaris Carenæ. Lugduni 1669, post Carenæ tractatum de Officio SS. Inquisitionis. fol.

Guidonis Fulcodii, quæstiones quindecim ad Inquisitores; cum annotationibus Cæsaris Carenæ, ibid. Fulcodius was a Cardinal, and afterwards Pope, by the name of Clement IV.

Lucerna Inquisitorum Fr. Bernardi Comensis, cum annot. Francisci Pegnæ, impressa Romæ cum licentia Superiorum, ex officina Bartholomæi Grassi, 1584,

Jacobus Simancas de Catholicis Institutionibus. Simancas was Bishop of Badajoz in the kingdom of Portugal, and province of Estremadura.

Joannes a Royas, de hæreticis eorumque impia intentione et credulitate. Royas was a Licentiate of the Canon and Civil Law, Inquisitor of heretical pravity at Valence in Spain.

Zenchini Ugolini tractatus de hæreticis: cum additionibus Fr. Gamilli Campegii. Z. Ugolinus was a lawyer of Rimini in Italy.

C. Campegius was a Predicant Friar, and Inquisitor General in all the territories of Ferrara.

Conradus Brunus de hæreticis and schismaticis, lib. 6.

Forma procedendi contra hæreticos, seu inquisitor de hæresi, et in causa hæresis. Autor creditur Joannes Calderinus.

Hi quinque autores exstant in Parte II. Tom. XI. tractatum illustrium Juris consultorum, quæ agit, de judiciis criminalibus S. Inquisitionis.

Ludovicus à Paramo, de Origine et Progressu Officii Sanctæ Inquisitionis, ejusque dignitate et utilitate. Madriti, ex Typographiâ Regiâ. c1o 1o xcix. fol. Ludovicus à Paramo was archdeacon and canon of Leon, a city in Spain, and inquisitor of the kingdom of Sicily.

Antonii de Sousa, Aphorismi Inquisitorum. Lugduni, apud Anisson. 1669, 8vo. Sousa was a Portuguese of Lisbon, a Predicant Friar, Master of Divinity, and counsellor to the King and the tribunal of the supreme Inquisition.

Cæsaris Carenæ, tractatus de Officio Sanctissimæ Inquisitionis, et modo procedendi in causis fidei. Lugdoni apud Anisson, 1669, fol. Carena, D. D. was auditor of Cardinal Comporeus, Judge Conservator, Counsellor, and Advocate Fiscal of the Holy Office.

Reignaldi Gonsalvi Montani Sanctæ Inquisitionis Hispanicæ artes aliquot detectæ ac palam traductæ. Heidelbergæ 1597, 8vo.

Pauli Servitæ Historia Inquisitionis, præsertim prout in Dominio Veneto observatur.

Relation de l'Inquisition de Goa, 12mo. à Paris, 1687.

[ Memoires de la Cour d'Espagne, 12mo. à la Haye, 1691.

Abrahami Bzovii Annalium Ecclesiasticorum Baronii Continuatio, Antwerpia, 1617.

Annales Ecclesiastici ex Tomis octo ad unum pluribus auctum reducti; Autore Odorico Raynaldo. Romæ ex Typographia Varesii, 1657. Raynaldus was of Treviso, Presbyter of the Congregation of the Oratory.

Compendium Bullarii Flavii Cherubini. Lugdini apud Laurentium Durand, 1624, 4to.

Lucæ Waddingi Annales Miaorum, in quibus res omnes trium Ordinum Franciscanorum tractantur. Lugduni, 1625, fol.

Jacobi Augusti Thuani Historia sui temporis.

Jacobus Usserius Archiepiscopus Armachanus de Successione Ecclesiarum in Occidentis præsertim partibus.

Ciber Sententiarum Inquisitionis Tholosanæ.

Liber Catenatus, MS. inter archiva Capituli S. Salvatoris, Trajecti ad Rhenum.

Glossarium ad Scriptores mediæ et insinæ Latinitatis Caroli du Fresne Domini du Cange. Lutet. Paris, 1678, fol.

Domini Macri Hierolexicon. Romæ, 1677, fol.



HISTORICAL SURVEY  
OF  
THE CHRISTIAN CHURCH,

&c. &c.

---

**T**HE history of that Ecclesiastical Court, denominated by a strange and imposing perversion, THE HOLY INQUISITION, the very name of which has excited the terror of thousands and tens of thousands, and whose existence leaves a lasting stain upon the annals of mankind, so naturally connects itself with the history of the church, from whose corruptions this prodigious evil grew, that it may be proper to take a rapid survey of the progress and corruption of Christian doctrine during the early ages, in order more correctly to exhibit the gradual advances of that ecclesiastical domination, which at length assumed an universal sway; impiously affecting to dispose of heaven and earth, and in its rage and cruelty adopting, in the most sanguinary of tribunals, a system of despotism, the most horrible that has ever afflicted the imagination or wrung the hearts of human kind—whose records ought never to be forgotten, but be transmitted from generation to generation, as a perpetual warning to governments and people, when surrendering those rights which are inseparable from the well-being of man, either as an individual, or as connected in the bonds of friendship and society.

That gracious dispensation of mercy which the sacred scriptures have denominated “The glorious gospel of the blessed God,”<sup>a</sup> whilst it has claims of eternal obligation upon the mind

<sup>a</sup> 1 Tim. i, 11.

of man, being accompanied by an evidence and influence peculiarly its own, having been prefigured by ancient ceremonies, foretold by prophets, introduced by miracles, sealed by sacred blood, and secured by the oath of an unchanging God—has by its promulgation, gathered in the present world a church out of every nation, “kindred, tongue, and people,”<sup>b</sup> against which “the gates of hell shall not prevail;”<sup>c</sup> a church which has continued, and will continue, to the end of time, under the guardian eye of him who will at length “present it to himself a glorious church, not having spot, or wrinkle, or any such thing,”<sup>d</sup> to abide in his presence and go no more out for ever.<sup>e</sup>

This gospel of the grace of God, so universal in its application, commanding, yea, entreating “all men every where to repent”<sup>f</sup> and “be reconciled to God,”<sup>g</sup> is in its preaching compared unto a net cast into the sea,<sup>h</sup> and gathering thereout a promiscuous multitude of every sort both bad and good. The church of Christ, therefore, in an extended sense, comprehends all those who are thus gathered from the world, to an external profession of its doctrines—in a restricted import it admits only those who appear to be influenced by divine precepts. The term is here employed in its greatest latitude, whilst the History of the Christian Church, according to external profession, is briefly considered.

The history of the Christian church during the apostolic age is happily so much within the reach of every reader, as to render it unnecessary to advert to its infant state, or to dwell at large upon its most early progress; a remark or two will therefore suffice in rapidly passing over that instructive period which is embraced by the sacred records.

When the divine Author of the Christian faith had accomplished the gracious designs of his mission on the earth, and was about to ascend up into heaven, he commanded his disciples to promulgate his doctrine in the following words: “Go ye into *all the world*, and preach the gospel to *every creature*.”<sup>i</sup>

<sup>b</sup> Rev. v, 9.

<sup>c</sup> Matt. xvi, 18.

<sup>d</sup> Ephes. v, 27.

<sup>e</sup> Rev. iii, 12.

<sup>f</sup> Acts xvii, 20.

<sup>g</sup> 2 Cor. v, 20.

<sup>h</sup> Matt. xiii, 47.

<sup>i</sup> Mark xvi, 15.

Before, however, they proceeded to the execution of this high command, the Saviour instructed his disciples to wait certain days at Jerusalem, that they might receive the communication of "power from on high;"<sup>k</sup> and when the day of Pentecost was fully come, he displayed upon them that transcendent miracle THE GIFT OF TONGUES, a gift which, whilst it filled the gazing multitude with wonder, enabled "Parthians and Medes, and Elamites, and the dwellers in Mesopotamia, and in Judea and Cappadocia, in Pontus and Asia, Phrygia and Pamphylia, in Egypt, and in the parts of Lybia, about Cyrene, and strangers at Rome, Jews and proselytes, Cretes and Arabians, to hear them speak, in *their own tongue*, the wonderful works of God."<sup>l</sup>

This gift of the Holy Spirit, besides the communication of language, was also productive of other great effects on the minds of the disciples.

In consequence of that darkness which sin has introduced into the moral world, they were liable to mistake the *nature* of their embassy, and even did enquire of the Messiah after he had risen, if he would now restore again the Jewish polity;<sup>m</sup> but his answer referred them to this great event, the enlightening of this Holy Spirit—the promise of the Father—the Guide into all Truth.

The disciples of Jesus Christ, after he had accomplished the period of his ministry on earth, were to be deprived of his personal protection, of his counsels, and his visible presence; and in the view of this he consoled them in the most tender language,<sup>n</sup> whilst he assured them they should receive this sacred Spirit, the comforter to abide with them for ever. The disciples were also subject to human fears, and often felt a disposition to compromise somewhat for their personal safety. Hence, when the Saviour spake of his death, Peter replied, "Be it far from thee, Lord."<sup>o</sup> When his enemies actually laid their hands on him, notwithstanding they had seen him walk upon the sea, still with a word the raging storm, and raise the dead, we behold them deserting him in his greatest danger; and

<sup>k</sup> Luke xxiv, 49.

<sup>l</sup> Acts ii. 9.

<sup>m</sup> Acts i, 6.

<sup>n</sup> John xiv.

<sup>o</sup> Matt. xvi, 22.

Peter, regardless of the strong assurances he had given to his divine Master of attachment, even thrice denied the knowledge of his person.<sup>p</sup> But what a change is observable in their history when they are influenced by the Holy Spirit. Now, instead of flying from personal danger, they can use this language to a threatening judicature, “Whether it be right in the sight of God to hearken unto you more than unto God judge ye: for we cannot but speak the things which we have seen and heard.”<sup>q</sup> Now they rejoice when counted worthy to suffer for his name who endured for them the “contradiction of sinners against himself.”<sup>r</sup> No longer expecting an earthly kingdom, and a heaven below, they glory in tribulation, and fix their eyes on an immortal crown.

As there may probably be occasion to advert to such a topic, it may not be amiss here to enquire a little into the *manner* in which the Redeemer qualified his disciples for the exercise of the ministry; because it is fairly to be presumed, that only those who follow in their footsteps can lay claim to a similarity of character, for “by their fruits ye shall know them.” In their conduct before the world then the Saviour appears in the whole tenour of his doctrine, as well as by his own bright example, to have taught them to be inoffensive;—this appears to have been his greatest lesson—to *suffer*, but *to do no wrong*. “Love,” said he “your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you.”<sup>s</sup> “Behold I send you forth as sheep in the midst of wolves; be ye, therefore, wise as serpents, and harmless as doves.”<sup>t</sup> Far from being authorised to make use of fleshly weapons in their spiritual warfare, they were forwarned “that all they that take the sword shall perish with the sword,”<sup>u</sup> and instead of indulging in furious anger against those who did not receive the doctrines they advanced, the most serious step enjoined was, an act of the most significant yet affectionate separation, “Go your ways out into the streets and say, Even the very dust of your city, which cleaveth on us, we do wipe off against you; notwith-

<sup>p</sup> Luke xxii, 57.

<sup>q</sup> Acts iv, 19.

<sup>r</sup> Heb. xii, 3.

<sup>s</sup> Mat. v, 44.

<sup>t</sup> Mat. x, 16.

<sup>u</sup> Mat. xxvi, 52.



standing, be ye sure of this, that the kingdom of God is come nigh unto you.”<sup>x</sup>

If these then were the instructions which proceeded from the lips of Jesus Christ, relative to the spirit and temper in which he would have the ministry of his word exercised; by what strange concurrence and perversion could it arise, that *persecution* should be adopted in the propagation of the gospel. To employ external violence, in order to produce conviction of the mind, must be considered an absurdity of the grossest kind: and to assert that a religion introduced to the world by the angelic song of, “peace on earth, good-will towards men,” sanctions the use of fire and sword for its promotion, involves a contradiction as glaring as to affirm, that the sun can cause darkness, or the showers of heaven drought: it cannot be—it is not in the gospel of Christ, that a sanction can be found for such a practice. Every species of persecution, as well as “all the wars and massacres, which have usually been styled *religious*, and with the entire guilt of which Christianity has been very unjustly loaded, have been altogether owing to causes of a very different nature—to the ambition, the resentment, the avarice, the rapacity of princes and conquerors (or of lesser tyrants) who assumed the mask of religion, in order to veil their real purposes, and who pretended to fight (or persecute) in the cause of God and his church, when they had in reality, nothing else in view, than to advance their power and authority, or extend their dominion.”<sup>y</sup>

But to return,

The scriptures take up the history of the church and carry it on directly or indirectly, to about the year 66, at which period the doctrines of the gospel had been taught and received in a large portion of the then known world: according to credible records, it appears to have been preached in Idumea, Syria, and Mesopotamia, by Jude; in Egypt, Mamerica, Mauritania, and other parts of Africa, by Mark, Simeon and Jude; in Ethiopia, by the Eunuch and Matthias; in Pontus, Galatia, and the neighbouring parts of Asia, by Peter; in the territories of the seven Asiatic Churches, by John; in Parthia, by Matthew; in Scythia, by Philip and Andrew; in the northern

<sup>x</sup> Luke x. 11.

<sup>y</sup> Porteus' Lectures, vol. I. 275.

and western parts of Asia, by Bartholomew; in Persia, by Simeon and Jude; in Media, Carmania, &c. by Thomas; from Jerusalem and round about unto Illyricum, by Paul; as also in Italy, and probably in Spain, Gaul, and Britain, and we are told, that the disciples, upon the persecution which arose about Stephen were scattered abroad, and “went every where preaching the word.”<sup>a</sup>

This extension of doctrine, however, was unattended by popularity, by the applause, or even the approbation of the world; the profession of christianity, at this early period, being pure and scriptural, caused, as it will ever do, offence; the Christians were, in consequence, a sect every where spoken against, and the time also soon arrived, when, according to their Lord’s prediction, those who killed them thought that they did God service<sup>a</sup>. The Apostle Paul viewed the approach of this event, in reference to himself, with that steady confidence which truth alone can inspire, when, addressing his son Timothy, he said, “I am now ready to be offered, and the time of my departure is at hand; I have fought a good fight, I have finished my course, I have kept the faith; henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge shall give me at that day, and not to me only, but unto all them also that love his appearing<sup>b</sup>. The apostle’s death took place, according to the most credible records, shortly after; he having been condemned in the 12th year of the reign of Nero, the same year in which Peter, according to Jerome, was sacrificed.

In the year 64, Nero, whose infamous conduct was too gross here to admit of a description, and who had exhausted all the sources of criminal pleasure, at length sought his gratification in the sufferings of others, and let loose his fury upon the Christians. Tacitus acquaints us with the pretended causes of the hatred which he displayed against them, and which produced the first general persecution.—That inhuman emperor, having, as was supposed, set fire to the city of Rome; to avoid the imputation of this wickedness, transferred it to the

<sup>a</sup> Acts viii, 4.<sup>a</sup> John xvi, 2.<sup>b</sup> 2 Tim. iv, 6.

Christians; and after informing us that they were already and justly abhorred on account of their “many and enormous crimes,”<sup>c</sup> Tacitus thus proceeds. “The author of this name (Christians) was CHRIST, who in the reign of Tiberius, was executed under Pontius Pilate procurator of Judea. The pestilent superstition was for a while suppressed, but it revived again and spread not only over Judea, where this evil was first broached, but reached Rome, whither from every quarter of the earth is constantly flowing whatever is hideous and abominable amongst men, which is there readily embraced and practised. First, therefore, were apprehended such as openly avowed themselves to be of that sect; then by them were discovered an immense multitude, and all were convicted, not of the crime of burning Rome, but of hatred and enmity to mankind. Their death and tortures were aggravated by cruel derision and sport; for they were either covered with the skins of wild beasts, and torn in pieces by devouring dogs, or fastened to crosses, or wrapped up in combustible garments, that when the day light failed, they might, like torches, serve to dispel the darkness of the night. Hence towards the miserable sufferers, however guilty and deserving the most exemplary punishment, compassion arose, seeing they were doomed to perish, not with a view to the public good, but to gratify the cruelty of one man.”<sup>d</sup> Shortly after, however, the period we are now contemplating, the wretched emperor Nero, unable to bear the load of disgrace which popular opinion heaped on his existence, destroyed himself,

<sup>c</sup> How frequently has this early pattern of ignorant intolerance, been imitated by those who sustain a far different character, and how often has an indiscriminating zeal represented as odious those opinions which a little attention would have shewn in a very different point of light; enquiring a little further into these heavy charges, we find these “many and enormous crimes,” consisted in their being called Christians and refusing to offer sacrifice to idols.

<sup>d</sup> Learned men are not altogether agreed concerning the persecution of Nero, some confining it to the city of Rome, while others represent it as having raged throughout the whole empire. The latter opinion, which is also the most ancient, is undoubtedly to be preferred, as it is certain that the laws enacted against the Christians, were enacted against the whole body, and not against particular churches



A. D. 68,—which put an end to this horrid and destructive butchery.

In the mean time, the Jews at Jerusalem were filling up the measure of their iniquities, and preparing themselves for that heavy vengeance which fell on them, in the utter destruction of their city and temple, and the slaughter and dispersion of their nation, described at large, by Josephus, when nearly one million and a half of that devoted people, perished by famine and the sword.

The persecution of Nero was succeeded by another under Domitian, when the apostle John was banished to Patmos, where he wrote the book called his Revelation, A. D. 96. During this century of the church, though doubtless the most pure, several corruptions of doctrine were introduced, the principal of which was that of those Judaising teachers, who, desirous of uniting the Jewish with the Christian dispensation, asserted that unless the believers in Jesus were circumcised, and observed the law of Moses, they could not be saved. These notions, so entirely subversive of the very basis of the Gospel, received the pointed attention of the apostles, and on another occasion drew forth the invaluable epistle of Paul to the Galatian churches. Some misguided persons also were desirous of uniting the eastern philosophy with the gospel; whilst many, in a spirit of pride and vain glory, endeavoured to elevate themselves even above the apostles, as alluded to in the epistles of Paul and of John; and from hence arose the several sects of the Gnostics, Cerinthians, Nicolaitans, Nazarenes, Ebeonites, &c. to the disturbance of the church and its unity. With regard to modes of worship and ceremonies, during this century, it is impossible to speak with certainty: the Scriptures alone are the authentic record.

The second century commences with the third year of the emperor Trajan. He ascended the throne of the Cæsars in the year 98, and conferred the government of the province of Bithynia upon Pliny, whose character has been styled one of the most amiable in all pagan antiquity. The persecuting laws against the Christians were still in force; but Pliny hesitated in applying them, until he had consulted Trajan on the

subject, which he did by a letter written about the year 106 or 107. This letter, is a very valuable fragment of antiquity, because it affords authentic information respecting the conduct of the early Christians and their judges. It is as follows:

*C. Pliny to the Emperor Trajan, wishes health.*

SIRE, It is customary with me to consult you upon every doubtful occasion; for where my own judgment hesitates, who is more competent to direct me than yourself, or to instruct me where uninformed? I never had occasion to be present at any examination of the Christians before I came into this province: I am therefore ignorant to what extent it is usual to inflict punishment, or urge prosecution. I have also hesitated whether there should not be some distinction made between the young and the old, the tender and the robust; whether pardon should not be offered to penitence, or whether the guilt of an avowed profession of Christianity can be expiated by the most unequivocal retraction; whether the profession itself is to be regarded as a crime, however innocent in other respects the professor may be; or whether the crimes attached to name must be proved, before they are made liable to punishment.

In the mean time, the method I have hitherto observed with the Christians, who have been accused as such, has been as follows. I interrogated them—Are you Christians? If they avowed it, I put the same question a second and a third time, threatening them with the punishment decreed by the law; if they still persisted, *I ordered them to be immediately executed*; for of this I had no doubt, whatever was the nature of their religion, that such perverseness and inflexible obstinacy certainly deserved punishment. Some that were infected with this madness, on account of their privilege as Roman citizens, I reserved to be sent to Rome, to be referred to your tribunal.

In the discussions of this matter, accusations multiplying, a diversity of cases occurred. A schedule of names was sent

me, by an unknown accuser; but when I cited the persons before me, many denied the fact, that they were or ever had been Christians, and they repeated after me an invocation of the Gods, and of your image, which for this purpose I had ordered to be brought, with the statues of the other deities. They performed sacred rites with wine and frankincense, and execrated Christ; none of which things, I am assured, a real Christian can ever be compelled to do. These, therefore, I thought proper to discharge. Others named by an informer, at first acknowledged themselves Christians, and then denied it; declaring that though they had been Christians, they had renounced their profession, some years ago, others still longer, and some even twenty years ago. All these worshipped your image, and the statues of the Gods, and at the same time execrated Christ.

And this was the account which they gave me of the nature of the religion they once had professed, whether it deserves the name of crime or error; namely, that they were accustomed, on a stated day, to assemble before sun-rise, and to join together in singing hymns to Christ as to a DEITY, binding themselves as with a solemn oath, not to commit any kind of wickedness, to be guilty neither of theft, robbery, nor adultery; never to break a promise, or to keep back a deposit when called upon. Their worship being concluded, it was their custom to separate, and meet together again for a repast, promiscuous indeed, without any distinction of rank or sex, but perfectly harmless; and even from this they desisted, since the publication of my edict, in which, agreeably to your orders, I forbad any societies of that sort.

For further information, I thought it necessary, in order to come at the truth, to *put to the torture* two females who were called deaconesses. But I could extort from them nothing, except the acknowledgement of an excessive and depraved superstition, and therefore, desisting from further investigation, I determined to consult you, for the number of culprits is so great, as to call for the most serious deliberation. Informations are pouring in against multitudes of every age, of all orders, and of both sexes; and more will be impeached, for the con-



tagion of this superstition hath spread, not only through cities, but villages also, and even reached the farm-houses.

I am of opinion, nevertheless, that it may be checked, and the success of my endeavours hitherto forbids despondency; for the temples, once almost desolate, begin to be again frequented; the sacred solemnities, which had for some time been intermitted, are now attended afresh; and the sacrificial victims, which once could scarcely find a purchaser, now obtain a brisk sale. Whence I infer, that many might be reclaimed, were the hope of pardon on their repentance absolutely confirmed."

*Trajan to Pliny.*

"MY DEAR PLINY,

"You have done perfectly right in managing as you have the matters which relate to the impeachment of the Christians. No one general rule can be laid down, which will apply to all cases; these people are not to be hunted up by informers; but if accused and convicted let them be executed: yet with this restriction, that if any renounce the profession of Christianity, and give proof of it, by offering supplications to our Gods, however suspicious their past conduct may have been, they shall be pardoned on their repentance. But anonymous accusations should never be attended to, since it would be establishing a precedent of the worst kind, and altogether inconsistent with the maxims of my government."

These letters, whilst they afford a very pleasing view of the exemplary conduct displayed by the first Christians, at the same time shew the futility of mere human accomplishments, when a chief magistrate, an emperor, of a refined people, could establish, as an act of justice, the taking away of life for the profession of a name unconnected with any personal impropriety.

Before proceeding further in this part of the subject, a very natural curiosity demands, how it happened that the



Romans, who were troublesome to no nation on account of their religion, and who suffered even the Jews to live under their own method of worship, treated the Christians alone with such severity? This important question seems still more difficult to be solved when it is considered, that the excellent nature of the Christian religion, and its admirable tendency to promote the public welfare of the state, from the private felicity of the individual, entitled it in a singular manner to the favour and protection of the reigning powers. One of the principal reasons of the severity with which the Romans persecuted the Christians, notwithstanding these considerations, seems to have been the abhorrence and contempt with which the latter regarded the religion of the empire; which was so intimately connected with the form, and indeed with the very essence of its political constitution. For though the Romans gave an unlimited toleration to all religions, which had nothing in their tenets dangerous to the commonwealth, yet they would not permit that of their ancestors, which was established by the laws of the state, to be turned into derision, nor the people to be drawn away from their attachment to it.<sup>e</sup> In the doctrines of the gospel, the axe was laid to the root of the tree, and the destruction of every false way was both unavoidably and intentionally the consequence. Besides, whilst the introduction of the Gospel had this effect, it supplied no gaudy objects in the service it enjoined; its followers were instructed to worship the one supreme God of heaven, distinguished from idols, in spirit and in truth; to be ready to the endurance of any temporal evil; to maintain a constant warfare with unholy and corrupt propensities; and to fix their final hopes in steady confidence beyond the grave. Such a religion was as little attractive to the licentious Roman as it was to the Jew, involved in misunderstood ceremonies, and therefore both its professors and its teachers were alike the objects of disgust to each; and hence it is no wonder that they loaded them with the grossest imputations, which were too readily received by the unthinking multitude. They

<sup>e</sup> Mosheim's Eccles. Hist. vol. i. 74.

even charged them with Atheism, and asserted that all the wars, tempests, and diseases which the nation suffered, were judgments from the angry Gods upon them, because they permitted the Christians to live. Hence under one reign, upon being proved Christians, or confessing themselves such, they were immediately dragged away to execution; unless they gave up their profession, execrated the sacred name of Christ, and fell down to stocks and stones, to which they were also instigated by inhuman tortures.

Among the persons who suffered under Trajan, was Ignatius, pastor of the church at Antioch. Trajan, making a short stay at that place, and about to enter on the Parthian war, the occurrence of an earthquake, which then took place, and which was very destructive in its consequences, appears to have roused his hatred against the Christians, and he ordered Ignatius to be seized, and sent to Rome, where he was exposed in the theatre, and devoured by wild beasts.

The persecution under Trajan, commonly called the third, appears to have continued during his whole reign, and to have been terminated only by his death, an event which took place, A. D. 117.

Adrian, who succeeded Trajan, manifested a degree of mildness compared with what his predecessors had done; and, in consequence, the church enjoyed a sort of interval in suffering: yet, notwithstanding, there did continue a persecution denominated the fourth. After a reign of twenty-one years, Adrian was succeeded by Antoninus Pius and Marcus Aurelius Antoninus; the former of whom denounced capital punishment against those who should in future accuse the Christians without being able to prove them guilty of any crime; but the latter issued edicts, in consequence of which the vilest rabble were allowed to be adduced as evidence against the followers of Jesus; and the Christians were put to the most barbarous tortures, and condemned to meet death in the most cruel forms, notwithstanding their perfect innocence and persevering solemn denial of those horrid crimes laid to their charge.<sup>f</sup> This, which is called the fifth persecution, induced

<sup>f</sup> Mosheim Ecc. Hist. vol.<sup>4</sup>t. 160-1.

Justin Martyr to write his first *Apology*, which he presented to the emperor.

That distinguished man, Polycarp, bishop of Smyrna, whom Usher has laboured to shew, was the angel of the church of Smyrna, addressed by Jesus Christ, Rev. ii. 8. was martyred in, or about the year 167. The account of his death is preserved by Eusebius, and, omitting some extravagancies, is in substance as follows. The popular fury which never stays to enquire or to discriminate, imputed to the Christians the crime of Atheism, because they refused to worship and sacrifice to idols. Hence the usual cry among the disorderly multitude became, "take away the Atheists," and after the destruction of many lesser persons, to this was joined, "let Polycarp be sought for." Polycarp, far from imitating the rashness of those who threw themselves into the hands of their persecutors, took every lawful means for his personal safety, and retired, first to one village, and from thence unto another; but the place of his retreat having been obtained by torture, from one of his domestics, he was taken. Eusebius relates that he might even then have escaped but he would not, saying, "the will of the Lord be done." Hearing that the officers were come to seize him, he came down from his chamber and conversed with them, and all present admired his firmness, some saying, "is it worth while to apprehend so aged a person?" Polycarp immediately ordered meat and drink to be set before the officers, as much as they pleased, and having obtained one uninterrupted hour for prayer; he mentioned and commended all whom he had ever known to God; he was then set on an ass and led unto the City.—The Irenarch Herod and his father Nicetes, meeting him, took him up into their chariot, and began to advise him, saying, "what harm is it to cry, Lord Cæsar! and to sacrifice and be safe?" Polycarp was at first silent, but when they pressed him, he said, "I will not follow your advice?" finding, therefore, that they could not persuade him, they abused him, and thrust him out of the chariot, so that in falling he bruised his thigh. But he still unmoved, went on cheerfully under the conduct of his guards to the stadium.

When he was brought to the tribunal there was a great



tumult, as soon as it was generally understood that Polycarp was apprehended. The proconsul asked him if he was Polycarp, to which he assented. The former then began to exhort him. "Have pity on thy own great age!—Swear by the fortune of Cæsar!—repent!—say, Take away the Atheists!"—Polycarp, with a grave aspect, beholding all the multitude, waving his hands to them, and looking up to heaven, said, "Take away the Atheists." The proconsul urging him, and saying, "Swear, and I will release thee!—reproach Christ!" Polycarp said, "Eighty and six years have I served him, and he hath never wronged me; and how can I blaspheme my king who hath saved me? The proconsul still urging him, he declared himself a Christian, and ready to instruct the proconsul, if he would hear. The proconsul then said, "I have wild beasts, and will expose you to them, unless you repent." "Call them!" said Polycarp, "our minds are not to be changed." "I will tame your spirit by fire," said the former, "since you despise the fury of beasts." Polycarp replied, "you threaten me with fire, which burns but for a moment, but are ignorant of that eternal fire which is reserved for the ungodly. But why do you delay?—Do what you please." The proconsul was visibly embarrassed; he sent, however, the herald to proclaim thrice in the vast assembly, "Polycarp hath professed himself a Christian!" upon which all the multitude, both Jews and Gentiles, demanded his blood. They immediately gathered fuel from the workshops and baths, and the fire being prepared, Polycarp laid aside his clothes, and said to those who would have secured him in the usual manner, "Let me remain as I am; for he who giveth me strength to sustain the fire, will enable me to remain unmoved." After this, being put in the place appointed, he uttered a prayer, and remaining sometime alive in the midst of the flames, the confector was ordered to approach, and plunge his sword through his body. \*

The year 180 closed this persecution; for in the reign of Commodus, who succeeded, and of Pertinax, who fol-

lowed in the government, a considerable degree of mildness prevailed. Pertinax, however, having been basely assassinated, was succeeded by Severus, who soon pursued the Christians with the same malignity as some of his predecessors had done, which caused great bloodshed in Asia, Egypt, and the other provinces, as related by Tertullian and others, to the close of this century.

The corruption introduced in the first, continued and increased during the second century. A great and unwarrantable stress was laid on ceremonies, in order to gratify the multitude; but as in every age, to the injury of truth, by withdrawing the mind from an attentive observance of the precepts of the Gospel, under a vain idea, that the observance of the former could supply the place of the latter. In addition to this, there appears to have been a great account of *mysteries*; by which it was insinuated, that the forms of worship had a hidden and peculiar power, considered in themselves, and apart from their apparent meaning; a doctrine well calculated to inspire an ignorant veneration for forms as well as ministers, and which evidently might contribute to render Christianity, if not acceptable, at least not so disgusting, to the heathen, whose religion, if it may be so called, consisted in a multitude of mysterious observances. By means such as these, the Christian Pastors gradually obtained a power, which, as it may be supposed, they did not always rightly employ: hence arose dictation of creeds on one hand, and blind obedience on the other. While some, who acted in the character of ministers, succeeded in persuading the people that the Christians had succeeded to the rights and immunities of the Jewish priesthood, and that Christian bishops should be regarded as the high priests of that dispensation, as well as others in inferior gradations of authority; a notion which produced for them both honour and profit.

In this century also, the form of church government was adopted, which appeared to give a regularity and dependance to the whole body. Before this period, every church had its officers, and considered itself bound to no other, except by the ties of affection; but it was now established, that distinction

in dignity and authority was to be maintained; and all the churches in a district or province, were to be confederated and assembled at intervals, to discuss the concerns of the whole; an arrangement which conveyed a large increase of power to the clergy, which, although it did not instantly, yet finally, produced immense mischiefs; as in process of time, they lost sight of their original designation, and no longer considering themselves the delegates of the churches, asserted an authority to prescribe laws and issue commands. Ecclesiastical councils had, besides, the effect of destroying the equality of the churches, and their *Bishops* or *Pastors*; and whilst in these public assemblies, degrees in dignity began to be observed, a spirit of domination was gradually introduced; a new order of Ecclesiastics, invented under the title of Patriarchs; and finally, when ambition and the love of power had gained its height, the catalogue was rendered complete, by investing the bishop of Rome with supreme dignity, in the denomination of the Prince of the Patriarchs.

Of the peculiarities of doctrine in the second century, the tenets of the Ascetics form the distinguishing feature.—The doctrines of this sect consisted principally in austerities, which, in some cases, went near to the extinction of life; for they considered themselves bound to practise fastings, watchings, labour, and self-denial, even to the exclusion of the most necessary comforts, and, by a perversion the most destructive, sought happiness in solitary meditation, which, if it promoted in them the love of God, and that may be fairly doubted, can hardly be supposed conducive to the love of man, which is only to be expressed in a state of society, not of solitude.

Hence arose, in after times, a multitude of puerile observances, which first beclouded, and afterwards almost extinguished, every Christian doctrine, among the diversified orders of Monks, Nuns, &c. &c.

The reign of Severus terminated in the early part of the third century. He was succeeded by his son Caracalla; who, during his government, which lasted six years, exercised great lenity towards the Christians: a feeling which appears to have existed until the government devolved on Maximin, who



commenced the seventh persecution, and whose cruelty was of the darkest kind. But he reigned only three years, and from his death to the succession of Decius, the church enjoyed comparative quietness; though in that outward peace she lost much of her internal purity, and exhibited tokens of degeneracy both in faith and practice. No sooner, however, had Decius ascended the throne, than he caused persecution to fall on them with redoubled fury. He issued edicts, commanding the prætors, on pain of death, either to extirpate the whole of the Christians, or to compel them, by torment, to renounce their religion, and return to the pagan worship; and, in consequence, during the space of two years, multitudes of Christians were put to death in all the provinces. The eighth and ninth persecutions bring down the history of the church to the close of the third century; during which many of its brightest ornaments sealed its doctrines with their blood.

In those intervals of peace which the church enjoyed in the course of this century, large additions were made to the number of converts, though, as has been already hinted with little advantage to her purity, for an increase of ceremonies prevailed; alterations were made in the manner of celebrating the Lord's Supper, by the introduction of a great degree of external appearance and of splendour. Vessels of gold and of silver being used, whilst it was in itself considered so essential to salvation as even to be administered to infants. The doctrine of possession by evil spirits was also maintained, and they were supposed to be expelled by baptism, on which account persons baptized were arrayed in white. Fasting also attained a particular credit in this period, and the sign of the cross in token of protection.

At the commencement of the fourth century, the church enjoyed toleration, but the Pagan priests, foreseeing probably the destruction of their emoluments, instigated Dioclesian and Galerius Cæsar, by whom a sanguinary persecution was begun in 303, which lasted eight years; at length, however, Galerius being afflicted with a dreadful disease, ordered these severities to cease, which closed the tenth persecution. The period now approaches when the civil authority united with the church under Constantine, and when matters of faith became the object



of civil government ; how far such an alliance comports with the declaration of Jesus Christ, respecting the nature of his kingdom,<sup>b</sup> the reader may determine for himself ; but its ill effects on the rights and habits of men, will, be amply apparent in the following pages.

When Constantine ascended the throne, he not only relieved the Christians from the anxieties of suffering, but he afterwards turned the stream of persecution, and issued edicts, forbidding every religion but the Christian.

The first effect, resulting from the union of the church and the state under Constantine, appears to have been, that of producing a great degree of pride among the Clergy, who now knew no bounds to their ambition. Thus exhibiting the striking difference which exists between a religion every where spoken against ; a profession of which must be made at the hazard of life, and one patronised by the civil power, and connected with fixed emoluments and splendid dignity. For experience ever shews, that Christians become corrupt, in proportion as they become secular, and wherever the apostolical injunction<sup>i</sup> is exceeded, and the spirit of the world admitted in an eager pursuit of present objects, all the graces which adorn the Christian character become proportionally sullied.

The bishop of Rome, the superior city, soon began, by a very natural consequence, to claim ecclesiastical pre-eminence, and, as external authority had now become the adjunct of spiritual power, he exceeded all others in the splendour of the church over which he presided ; in the riches of his revenue and possessions ; in the number and variety of his ministers ; in his credit with the people, and in his sumptuous and splendid manner of living ; and therefore when a vacancy occurred in this office it became the object of contention, and frequently of disturbance, in the city of Rome ; a remarkable instance of which occurred in the year 366, when upon the death of Liberius, an election took place, and when two persons were chosen by opposite parties to the same office, a choice which each endeavoured to enforce by open violence, and the most hateful means. The splendour, which at this period attended the

<sup>b</sup> John xviii. 36.

<sup>i</sup> 1 Tim. vi. 8

bishop of Rome, therefore, was considerable, though nothing in comparison of that which belonged to the office in after times; for though they claimed, they had not actually attained, *supremacy*.

The arrangements made by Constantine respecting the civil and ecclesiastical government were of the following kind. To the four bishops of Rome, Constantinople, Antioch, and Alexandria was given a pre-eminence, probably under the title *patriarch*; answering to these in the civil government, he created four prætorian prefects; next to these in dignity were the *exarchs*; then followed the metropolitans, having authority over a single province, after these were the archbishops, and beneath these the bishops: to these latter were at first added the *chorepiscopi*, or superintendants of country churches, an order however, soon after discontinued by the bishops, who found it to infringe on their power and authority. Constantine divided the administration into *external* and *internal*,—the *internal* relating to the forms of worship, the offices of priests, the conduct of the ecclesiastics, &c. he committed to the ecclesiastical officers before enumerated, and the decision of counsels,—the external administration embracing whatever related to the outward state of the church, he reserved to himself.—In consequence of this arrangement Constantine and his successors, convened councils in which they presided, appointed the judges in religious controversies, decided on the differences which arose between ministers and people, arranged the extent of ecclesiastical possessions, and punished crimes against the civil laws, by the ordinary judges.

It is not intended here to enter on the wide question of national establishments; if it were, the present period would afford a powerful argument, on the impolicy and impiety of attempting to blend those things, which are ordained to be kept asunder; iron and clay, though they may be mingled, they cannot be united. Every thing is beautiful in its own order. If the civil magistrate bear rule without intrusion, he will protect those whom he governs, in the quiet enjoyment of their rights, as men; taking proper care for the punishment of such “evil doers” as infringe on those rights, according to the provisions of civil law. Like a wise physician, he will consider at large the

political body, and from time to time, apply those remedies which incidental derangements require. If he be himself a Christian, he will rejoice in the privilege, and exhibit as an individual in his exalted station, the influence of Christian principles; in the wisdom of his decisions, and the brightness of his example. From consistent views, studiously avoiding the assumption of an authority not his own, he will fear to touch the conscience, knowing that it is sacred, and accountable to one Being only in the universe, whose prerogative alone it is, “to search the heart and try the reins of the children of men.”

Constantine who probably had no apprehension of the irreconcilable nature of spiritual and temporal power, found however the difficulty of drawing the line of separation, so that both in the fourth and fifth centuries, there are frequent instances of the emperors determining matters purely ecclesiastical, and likewise of bishops and councils, determining matters which relate to civil government.

The emperor having now established his mixed government, soon felt his own dignity connected with that of the superior ecclesiastical officers, and having removed the seat of empire to Constantinople, a city which he had named after himself, and which he intended should become a second Rome; permitted the bishop of Constantinople to advance in precedence, and in a council held at that city in 381, his pretensions were established, and he was placed by the third canon of that council, in the first rank after the bishop of Rome, a preference which not only occasioned the bitter hatred of the bishops of Alexandria, but at length produced those contentions between the bishops of Rome and Constantinople, which being carried on for many ages, ended at length in the separation of the Greek and Latin churches.

Wealth and power present the same strong temptations in every age.—If the way to these at one period lie through the field of war, we read of heroes and conquerors. If at another, through the shady paths of intellect, scholastic speculations become the subject of history; but if only through the sacred portal of religion, the most disgusting objects are presented to our view, the pure principles of truth, are either distorted or



suppressed, and the temple of God becomes a den of thieves. As long, indeed, as man continues what he is, a compound of flesh and spirit, he will always be subject to an overweening attachment to the things of the present life; this is an infirmity which attends the Christian in every age. But there is a striking difference between a man who, from the operation of heavenly principles, keeps the world beneath him, using but not abusing it, and he who makes it the object of his worship. When by the union now contemplated, religion became the high road to state favour and worldly grandeur; the votaries of these began to crowd the court, and to study, with all their efforts, the external appearances of sanctity. Religion became the fashionable pursuit; and all the powers of invention were soon pressed into service. Hence under one period one, and under another, a new species of puerility became substituted in the room of solid virtue: not indeed entirely to the exclusion of every good, because under the most utter wretchedness and debasement God hath ever taken care to preserve unto himself a seed to serve him.

After Constantine had arranged his state officers and church officers, a task of easy accomplishment among men accustomed to feel the terrors of heathen government, and who were elated with the hope of better times, he soon found a difficulty arise, for which he had omitted to provide, and which has attended every similar institution; namely, that of producing *Uniformity of Faith*. "In an assembly of the Presbyters of Alexandria, the bishop of that city, whose name was Alexander, expressing his sentiments respecting the nature of Jesus Christ, maintained, among other things, that he was not only of the same nature and dignity, but also of the same essence with the Father. This assertion was opposed by Arius, one of the Presbyters, a man of a subtle turn, and remarkable for his eloquence; whether his zeal for his own opinions, or personal resentment against his bishop, was the motive that influenced him is not very certain; be this as it will, he first treated as false the assertion of Alexander, on account of its affinity to the Sabellian errors which had been condemned by the church, and then running himself into the opposite extreme, he main-

tained that the Son was totally and *essentially* distinct from the Father,—that he was the first and noblest of these beings, whom God the *Father* had created out of nothing, the instrument by whose subordinate operation the Almighty Father formed the universe, and therefore inferior to the Father both in nature and dignity.”<sup>k</sup> These opinions, by the talent with which their author supported them, soon gained a number of adherents and produced a separation between Arius and Alexander. Constantine, who beheld the growing evil with anxious solicitude, finding the breach become wider and wider, he himself interposed, in the hope of re-uniting the disputants, and addressed letters to them at Alexandria, exhorting them to lay aside their differences and be reconciled to each other; he declared, that after having examined the rise and progress of the dispute, he found that the differences between them, were not by any means such, as to justify furious contention; he tells Alexander, that he had required a declaration of their sentiments respecting a silly empty question;—and Arius, that he had imprudently uttered what he should not even have thought of, or what at least, he should have kept secret in his own bosom,—that questions about such things ought not to have been asked; if asked, should not have been answered: that they proceeded from an idle fondness for disputation, and were in themselves of so high and difficult a nature as that they could not be exactly comprehended, or suitably explained: and that to insist on such points before the people, could produce no other effect, than to make some of them talk blasphemy, and others turn schismatics. These efforts of the Emperor, however prudently directed, failed of their desired effect; he found the evil too deeply rooted to be eradicated, and therefore, determined on calling in the assistance of the bishops in assembly;—accordingly he issued letters to the bishops of all the provinces, and assembled the first general council of Nice, in Bithynia, A. D. 325;<sup>l</sup> the total number of persons who sat in this council was about two thousand and fifty, three hundred and eighteen of whom were bishops;—on the day appointed, this assembly met in a large

<sup>k</sup> Mosheim *Ecc. Hist.* vol. i. 412.

<sup>l</sup> Eusebius *Life of Constantine*, B. i. Ch. 63. in Jones's *Waldenses*.

room of the palace. The bishops and clergy having taken their places, they remained standing, waiting the arrival of the emperor. At length Constantine appeared, surrounded by his friends, (says Eusebius), like an angel of God, exceeding all his attendants, in size, gracefulness, and strength, dazzling all eyes with the splendour of his dress, but shewing the greatest humility in his manner of walking, gesture and behaviour, and having placed himself in the midst of the upper part of the room near a low chair, covered with gold, did not sit down, till desired to do so by the fathers.—When the assembly had taken their seats, Eustathius, patriarch of Antioch, rose and addressed the emperor, giving thanks to God on his account, and congratulating the church, on the prosperity brought about through him, and particularly on the subversion of the heathen worship.—The emperor then rose, and addressed the assembly in Latin, expressing his happiness at seeing them all met on so glorious an occasion, as that of amicably settling their differences, which he said, had given him more concern than all his wars; but having ended these, he desired nothing more than the settling the peace of the church, and concluded, by recommending it to them, to remove every cause of future dissention.

That which now followed, however, could not have been very consonant to the pacific views of Constantine, for some of the bishops present, thinking this a favourable opportunity for promoting their separate interests, delivered into his hands letters of complaint against each other;—these complaints were at first made by word, personally: but Constantine, requested they would put them into writing, and when they delivered them to him, he put the whole of them unopened into the fire, telling them, that it did not belong to him to decide on the differences of Christian bishops, and that the hearing of them, must be deferred until the day of judgment. Having thus been softened, in regard to their personal animosities, the assembly began to turn their attention to the object of their meeting together, and after a deliberation of more than two months, agreed upon a summary of matters to be believed, and which was thence denominated the *Nicene Creed*. As soon as this formulary had been assented to, it was transmitted to Rome,



where it was confirmed in a council of two hundred and seventy-five bishops, in these words: "We confirm with our mouth, that which has been decreed at Nice, a city of Bithynia, by the three hundred and eighteen holy bishops, for the good of the Catholic and Apostolic church, mother of the faithful; we anathematize all those, who shall dare to contradict the decrees of the great and holy council, which was assembled at Nice, in the presence of that most pious and venerable prince, the emperor Constantine:"—to this all the bishops answered, "We consent to it." Thus was the authority of *councils* exalted above that of him from whom it was *professedly* derived, a foundation laid for the unbounded influence of the clergy, the right of private judgment violated, and the world at large commanded to believe any thing, and at any time which the church ordained should be believed, a doctrine, it is true, without which no union of spiritual and temporal power can be supposed to exist, but which, when once established and FULLY acted upon, could not possibly fail to produce all that superstition, idolatry, grossness of mind, and cruelty, which characterizes so large a portion of ecclesiastical history, until the man of sin became fully revealed, exalting himself above all that is called God, or that is worshipped, so that at length he, as God, sat in the temple of God. <sup>m</sup>

When Constantine and his clergy had, according to their own ideas, overcome this radical difficulty in their mixed government, by the formation of a creed, which should produce uniformity in this new and complex body, the next step before them was to procure its universal reception, and as argument cannot be supposed to have any place with dictation, the most obvious, and indeed the only method by which this end could be obtained was that of civil penalty, that those who refused to believe might be compelled to suffer. Constantine at first wrote letters *enjoining* the people to believe the creed now established, which he asserted was by the command of God, and framed by the inspiration of the Holy Spirit. These letters were mild and gentle at the first; but he was soon persuaded by the bishops to exhibit great zeal for the extinction



of heresy, and issued edicts against those whom they represented as its abettors, denominating them “enemies of truth, destructive counsellors, &c.” forbidding their public meetings, and giving their places of assembly to the church. He banished Arius, and decreed that his books should be burnt; and that if any should dare to keep any one of them, as soon as this was proved he should suffer death!

Such were the difficulties, and such the conduct, of the first ruler who governed under the profession of Christianity, *Constantine the Great*; <sup>n</sup> “a prince, whose character,” says Gibbon, “has fixed the attention and divided the opinions of mankind: his person as well as mind had been enriched by nature with her choicest endowments. His stature was lofty, his countenance majestic, his deportment graceful: in the dispatch of business his diligence was indefatigable; and the active powers of his mind were almost continually exercised in reading, writing, or meditating, in giving audience to ambassadors, or in examining the complaints of his subjects. The general peace which he maintained during the last fourteen years of his life, was a period of apparent splendour rather than of real prosperity, and the old age of Constantine was sullied by the opposite yet reconcileable vices of rapaciousness and prodigality.”<sup>o</sup>

The History of what is called the Christian Church from this time forward becomes a pretty uniform record of superstition, ambition, and fanaticism. After the time of Constantine many additions were made by the emperors and others, to the wealth and honours of the clergy; and these additions were followed by a proportional increase of their vices and luxury, particularly among those who lived in great and opulent cities. The bishops opposing each other in the most disgraceful manner re-

<sup>n</sup> Constantine was chosen to the government, whilst in England with the Roman army.—It appears, he entertained a favourable opinion of Christianity, whether from a sincere conviction of its truth, or from political motives is doubtful.

The authenticity of the story of his conversion, by the vision of a luminous cross appearing in the firmament bearing the inscription, “In this conquer,” has been much controverted and much doubted.

<sup>o</sup> Gibbon’s *Rome*, chap. xviii.

specting the extent of their jurisdictions ; at the same time disregarding the rights of their inferiors, and imitating, in their manners and luxurious mode of life, the quality of magistrates and princes. This conduct of the higher clergy soon infected the inferior classes ; and the writers of this period repeatedly censure and complain of the effeminacy of the deacons. The Presbyters and Deacons of the first orders began to aim at superior honours, and were offended at being on a level with others ; hence arose the invention of the titles *Arch-Presbyter* and *Arch-Deacon*.

The rivalry introduced between the bishops of Rome and Constantinople, in consequence of the attachment of the Emperor Constantine to the latter, has been before alluded to. In the 5th century the bishops of Constantinople having extended their authority over all the provinces of Asia, endeavoured to obtain still further dignities ; and in the council held at Chalcedon, A. D. 451, it was resolved, That the same rights and honours conferred on the bishop of Rome were due to the bishop of Constantinople, on account of the equal dignity of the cities in which they presided ; and at the same time they confirmed to the bishop of Constantinople the jurisdiction of the Asiatic provinces which he had assumed. These decisions considerably alarmed the bishop of Rome, who used every effort to establish his supremacy. The royal influence, however, preponderated against him, and the bishops of Rome and Constantinople were declared equals.

Whilst the principal persons among the clergy were thus contending in the spirit of proud ambition, veiled indeed by the appearances of sanctity, the inferior orders did not fail to follow their example ; and as religion now became the popular pursuit, a spirit of envy and emulation soon prevailed, which inclined men to endeavour to outrun each other in zeal and pious practices ; hence inventions and austerities were introduced, which were well calculated to excite that vacant feeling in all ages, predominating in the multitude, which produces veneration in proportion as it ridicules the intellect. The most striking and the most lasting of these, or rather the vortex of all others,

is that which, about this period, made rapid progress in the *monastic life*, a style of existence disgraceful to religion and destructive to man.

“In the reign of Constantine, the Ascetics fled from a profane and degenerate world, to perpetual solitude or religious society, they resigned the use or the property of their temporal possessions, established regular communities of the same sex and a similar disposition, and assumed the names of *Hermits*, *Monks*, and *Anchorites*, expressive of their lonely retreat in a natural or artificial desert. They soon acquired the respect of the world which they despised, and the loudest applause was bestowed on this DIVINE PHILOSOPHY, which surpassed, without the aid of science or reason, the laborious virtues of the Grecian schools. The monks might indeed contend with the Stoics, in the contempt of fortune, of pain, and of death. The Pythagorean silence and submission were revived in their servile discipline, and they disdained, as firmly as the Cynics themselves, all the forms and decencies of civil society. The lives of the primitive monks were consumed in penance and solitude, undisturbed by the various occupations which fill the time, and exercise the faculties of reasonable, active, and social beings; whenever they were permitted to step beyond the precincts of the monastery, two jealous companions were the mutual guards and spies of each other's actions; and after their return they were condemned to forget, or at least to suppress whatever they had seen or heard in the world: strangers who professed the orthodox faith were hospitably entertained in a separate apartment; but their dangerous conversation was restricted to some chosen elders of approved discretion and fidelity. Except in their presence the monastic slave might not receive the visits of his friends or kindred; and it was deemed highly meritorious if he afflicted a tender sister by the obstinate refusal of a word or look. The monks themselves passed their lives without personal attachments, among a crowd which had been formed by accident, and was detained in the same prison by force or prejudice: a special licence of the abbot regulated the time and duration of their familiar visits; and at their

silent meals they were enveloped in their cowls, inaccessible and almost invisible to each other. According to their faith and zeal they might employ the day which they passed in their cells, either in vocal or mental prayer, they assembled in the evening, and they were awakened in the night for the public worship of the monastery: the precise moment was determined by the stars, which are seldom clouded in the serene sky of Egypt, and a rustic horn or trumpet the signal of devotion, twice interrupted the vast silence of the desert.

The most devout or the most ambitious of the spiritual brethren renounced the convent as they had renounced the world. The fervent monasteries of Egypt, Palestine, and Syria, were surrounded by a *Laura*, a distant circle of solitary cells; and the extravagant penance of the *Hermits* was stimulated by applause and emulation. They sunk under the painful weight of crosses and chains, and their emaciated limbs were confined by collars, bracelets, gauntlets, and greaves, of massy and rigid iron: all superfluous encumbrance of dress they contemptuously cast away, and some savage saints of both sexes have been admired, whose naked bodies were only covered by their long hair. They aspired to reduce themselves to the rude and miserable state in which the human brute is scarcely distinguished above his kindred animals, and a numerous sect of Anchorites, derived their name from their humble practice of grazing in the fields of Mesopotamia with the common herd. They often usurped the den of some wild beasts, whom they affected to resemble; they buried themselves in some gloomy cavern, which art or nature had scooped out of the rock, and the marble quarries of Thebais are still inscribed with the monuments of their penance. The most perfect hermits are supposed to have passed many days without food, many nights without sleep, and many years without speaking; and glorious was he who contrived any cell or seat of a peculiar construction which might expose him in the most inconvenient posture to the inclemency of the seasons. Among these heroes of the monastic life the name and genius of Simeon Stylites have been immortalized by the singular invention of an ærial penance.



At the age of thirteen the young Syrian deserted the profession of a shepherd, and threw himself into an austere monastery. After a long and painful noviciate, in which Simeon was repeatedly saved from pious suicide, he established his residence on a mountain, about thirty or forty miles to the east of Antioch. Within the space of a *mandin* or circle of stones, to which he had attached himself by a ponderous chain, he ascended a column, which was successively raised from the height of nine to that of sixty feet from the ground. In this last and lofty station the Syrian anchorite resisted the heat of thirty summers, and the cold of as many winters. Habit and exercise instructed him to maintain his dangerous situation without fear or giddiness, and successively to assume the different postures of devotion. He sometimes prayed in an erect attitude, with his outstretched arms in the figure of a cross, but his most familiar practice was, that of bending his meagre skeleton from the forehead to the feet; and a curious spectator after numbering twelve hundred and forty-four repetitions at length desisted from the endless count. The progress of an ulcer in his thigh might shorten, but it could not disturb, this *celestial* life; and the patient hermit expired without descending from his column.

A prince who should capriciously inflict such tortures would be deemed a tyrant; but it would surpass the power of a tyrant to impose a long and miserable existence on the reluctant victims of his cruelty. This voluntary martyrdom must have gradually destroyed the sensibility, both of mind and body; nor can it be presumed, that the fanatics who torment themselves are sensible of any lively affection for the rest of mankind. A cruel unfeeling temper has distinguished the monks of every age and country; their stern indifference, which is seldom mollified by personal friendship, is inflamed by religious hatred and their merciless zeal, has strenuously administered the Holy Office of the Inquisition.

The monastic saints were respected and almost adored by the prince and people. Successive crowds of pilgrims from Gaul and India saluted the divine pillar of Simeon: the tribes



of Saracens disputed in arms the honour of his benediction ; the queens of Arabia and Persia confessed his supernatural virtue, and the angelic hermit was consulted by the younger Theodosius in the most important concerns of the church and state. His remains were transported from the mountain of Telenissa, by a solemn procession of the patriarch, the master-general of the east, six bishops, twenty-one counts or tribunes, and six thousand soldiers ; and Antioch revered his bones as her glorious ornament and impregnable defence. The fame of the apostles and martyrs was gradually eclipsed by these recent and popular anchorites. The Christian world fell prostrate before their shrines, and the miracles ascribed to their relics exceeded, at least in number and duration, the spiritual exploits of their lives. But the golden legend of their lives was embellished by the artful credulity of their interested brethren, and a believing age was easily persuaded, that the slightest caprice of an Egyptian or a Syrian monk had been sufficient to interrupt the eternal laws of the universe. The favourites of heaven were accustomed to cure inveterate diseases with a touch, a word, or a distant message, and to expel the most obstinate dæmons from the souls or bodies which they possessed. They familiarly accosted or imperiously commanded the lions and serpents of the desert, infused vegetation into a sapless trunk, suspended iron on the surface of the water, passed the Nile on the back of a crocodile, and refreshed themselves in a fiery furnace. These extravagant tales which display the faction without the genius of poetry, seriously affected the reason, the faith, and the morals of the people. Their credulity debased and vitiated the faculties of the mind, they corrupted the evidence of history and superstition, gradually extinguished the hostile light of philosophy and science. <sup>p</sup>

The increase of the monks soon became prodigions to the south of Alexandria ; the mountain and adjacent desert of Nitria were peopled by five thousand anchorites, and the traveller may still investigate the ruins of fifty monasteries, which were planted in that barren soil. In the Upper Theba is the

<sup>p</sup> Gibbon's *Decline and Fall*, chap. 27.

vacant island of Tabenne was occupied by Pachomius and fourteen hundred of his brethren. That holy abbot successively founded nine monasteries of men, and one of women, and the festival of Easter sometimes collected fifty thousand religious persons, who followed his *angelic* rule of discipline. The stately and populous city of Oxyrinchus, the seat of Christian orthodoxy had devoted the temples, the public edifices, and even the ramparts, to pious and charitable uses, and the bishop who might preach in twelve churches, computed ten thousand females and twenty thousand males of the monastic profession.

The Egyptians who gloried in this marvellous revolution, were disposed to hope and to believe, that the number of the monks was equal to the remainder of the people. Athanasius; introduced into Rome, the knowledge and practice of the monastic life, and a school of this new philosophy, was opened by the disciples of Antony, a Syrian youth, whose name was Hilarion, and who fixed his dreary abode on a sandy beach, between the sea and a morass, about seven miles from Gaza. The austere penance, in which he persisted forty eight years, diffused a similar enthusiasm, and he was followed by a train of two or three thousand Anchorets, whenever he visited the innumerable monasteries of Palestine. The fame of Basil was celebrated in the East, and of Martin of Tours, in the West; the former, having established monasteries along the borders of the black sea, and the latter in Gaul, two thousand of whose followers, attended his body to the grave. Every province, and at last every city,<sup>a</sup> was filled by these ignorant devotees, whose absurdities are scarcely to be equalled in the records of the grossest idolaters.—The admiration which attended these deluded and deluding misanthropes, ended not with their extenuated existence;—the multitude who gazed in silent wonder at their federal automaton, whilst in motion, felt this awe increased towards it, when it had ceased to act; and hence, by means of the infatuated, or the designing, the *relics* of the *saints* attained enormous popularity.

Hence daily miracles were attributed to these *holy reliques*,

<sup>a</sup> Gibbon's Decline and Fall, ch. 37.

and all the powers of eloquence resorted to, to shew the vast advantages of attending at their sepulchres. "With ardour," says Chrysostom, "let us fall down before their reliques, let us embrace their coffins—for these may have some power, since their bones have so great an one: and not only on their festivals, but on other days also, let us fix ourselves, as it were, to them, and intreat them to be our patrons." Again, "Let us dwell in their sepulchres, and fix ourselves to their coffins; for not only their bones, but their tombs and their urns overflow with blessings." Basil also asserts, "That all who were pressed with any difficulty or distress, were wont to fly to the tombs of the martyrs, and whosoever did but touch their reliques, acquired some share of their sanctity." The connection between this veneration of *sainted* dust, and the emoluments of the church, was too obvious to escape regard. One hundred and fifty years after the glorious deaths of St. Peter and St. Paul, the Vatican and the Ostian road were distinguished by their tombs, or rather by their trophies.

In the age which followed the conversion of Constantine, the emperor, the consuls and the generals of armies, devoutly visited the sepulchres of a tent-maker and a fisherman, and their venerable bones were deposited under the altars of Christ, on which the bishops of the royal city continually offered the unbloody sacrifice. The new capital of the eastern world, unable to produce any ancient and domestic trophies, was enriched by the spoils of dependent provinces. The bodies of St. Andrew, St. Luke, and St. Timothy, had reposed near three hundred years, in the obscure graves from whence they were transported, in solemn pomp, to the church of the apostles, which the magnificence of Constantine had founded on the banks of the Thracian Bosphorus. About fifty years afterwards, the same banks were honoured by the presence of Samuel, the judge and prophet of the people of Israel. His ashes, deposited in a golden vase, and covered with a silken veil, were delivered by the bishops into each others hands. The reliques of Samuel were received by the people, with the same joy and reverence which they would have shewn to the living prophet. The highways from Palestine to the gates of

Constantinople, were filled with an uninterrupted procession, and the emperor Arcadius himself, at the head of the most illustrious members of the clergy and senate, advanced to meet his extraordinary guest, who had always deserved and claimed the homage of kings. The example of Rome and Constantinople confirmed the faith and discipline of the catholic world. The honours of the saints and martyrs, after a feeble and ineffectual murmur of profane reason, were universally established; and in the age of Ambrose and Jerome, something was still deemed wanting to the sanctity of a Christian church, till it had been consecrated by some portion of holy reliques, which fixed and inflamed the devotion of the faithful.

In the long period of twelve hundred years, which elapsed between the reign of Constantine and the reformation of Luther, the worship of saints and reliques corrupted the pure and perfect simplicity of the Christian model, and some symptoms of degeneracy may be observed even in the first generation, which adopted and cherished this pernicious innovation.\*

In external government, Rome, who had sat mistress of the world, at length exhibited the symptoms of decay. Her emperors had degenerated; and the event declared, that a dominion obtained by the cruelties of the sword, was not to be upheld among a warlike people, by the trifling puerilities of superstition. An inscrutable Providence had permitted a few victorious men to satiate their ambition by the conquest of the world; an event by which the whole was, in some degree, reduced to an acquaintance with the Greek and Roman tongues, and so prepared to understand a revelation, which was not to be made known by immediate communications among the separate nations severally, but through one people, by the ordinary mode of human language. Hence the decline of the Roman empire has been dated from the introduction of Christianity; for thus it was, and ever will be, that men, whether in defiance of the natural laws of society, by invasion and slaughter, or by the guileful insinuations of superstitious treachery, they depopulate the world, they are still subject to the

\* Gibbon's Decline and Fall, 27 Ch.



controul of HIM who whilst he preserveth, in every nation, those who are actuated by his fear, causeth the wrath of man to praise him.

In the beginning of the fifth century, Rome was itself besieged by the Goths, who obtained possession of that centre of refinement; overthrowing its stately edifices, and with a savage fury destroying those monuments of genius, the very wreck of which has been the admiration of posterity. This event took place during the reign of Honorius, who governed, at that time, the western part of the divided empire, and whose subjects, after a series of ineffectual contests, had the mortification to see nearly stript of his territories, and continuing the title, without the power of royalty. The capital was taken by the Goths.—The Huns were possessed of Pannonia; the Alamani, Suevi, and Vandals were established in Spain; and the Burgundians settled in Gaul. The feeble powers of Valentinian the Third, the successor of Honorius, were not calculated to restore to the Roman monarchs the empire they had lost. Eudocia, his widow, and the daughter of Theodosius, married Maximus, and soon discovered that the present partner of her throne and bed, was the brutal murderer of the last. Incensed at his perfidy, and resolved to revenge the death of Valentinian and her own dishonour, she implored assistance from Genseric, king of the Vandals in Africa, who entered Rome, and plundered the whole of the city, except three churches. After the rapid and turbulent reigns of several of the emperors of the West, that part of the empire was finally subjugated in the year 476, by the abdication of Augustulus. The name of emperor sunk with the ruin of the empire; for the conquering Odoacer, general of the Heruli, assumed only the title of king of Italy.

The calamities, which in this century arose from the intolerant zeal of ecclesiastics were not less severe than the persecuting terrors of heathen idolaters; and the sincere professors of the gospel were hence induced to look back, almost with regret, to a season, which, however unfavourable and perilous, found them united in one common cause, generally understood, instead of being divided into factions, disagreeing about points



difficult to be conceived, and respecting which the difference frequently consisted not in the circumstance itself, but in the terms used to define it. Alarmed at the ecclesiastical censures which assailed all that presumed to differ in opinion, or even in expression, from the leaders of the church, the timid Christian must have been afraid of conversing upon the subject of his faith: and the edict obtained from Honorius, by four bishops, deputed from Carthage, in 410, which doomed to death whoever differed from the Catholic faith, must have closed, in terror and silence, the trembling lips. During this century, the authority of the bishops of Rome made some remarkable progress, and the appointment of their legates doubtless originated from motives extremely opposite from those which were avowed, the faith and peace of the church.<sup>c</sup>

An increasing veneration for the Virgin Mary, had taken place in the preceding century, and very early in this, an opinion was industriously propagated, that she had manifested herself to several persons, and had wrought considerable miracles. Images, bearing her name, holding in her arms another, denominated the Infant Jesus, together with many others, were placed in a distinguished situation in the church, and, in many places, invoked with a peculiar species of worship, which was supposed to draw down into the images, the propitious presence of the persons whom they were designed to represent. A superstitious respect began also to take place, with respect to the bread consecrated at the Lord's Supper. Its efficacy was supposed to extend to the body, as well as to the soul; and it was applied as a medicine in sickness, and as a preservative against every danger in travelling, either by land or by sea. Private confession to a priest alone, was substituted in the room of public penance. The method of singing anthems, one part of which was performed by the clergy, and the other by the congregation, which had been introduced into the churches of Antioch in the preceding century, was in this practised at Rome; and in many churches it was the custom to perform these responses night and day, with-

<sup>c</sup> Gregory's Ch. Hist. vol. i. 234, 236, 251.

out any interruption: different choirs of singers continually relieving each other.

Every splendid appendage, which had graced the heathen ceremonies, was now interwoven into the fabric of public worship. During the extended period of Paganism, superstition had entirely exhausted her talents for invention; so that, when the same spirit pervaded the minds of Christian professors, they were necessarily compelled to adopt the practices of their predecessors, and to imitate their idolatry. That which had been formerly the test of Christianity, and the practice of which, when avoided, exposed the primitive believer to the utmost vengeance of his enemies, was now imposed as a Christian rite; and incense, no longer considered an abomination, smoked upon every altar. The services of religion were even in the day-time, performed by the light of tapers and flambeaux, and the most eminent fathers of the church, were not ashamed to propagate any idle miraculous story, in their endeavours to establish the faith of the multitude.

During the sixth century, the bishops of Rome, who had so often used the most strenuous efforts for pre-eminence, began boldly to advance the claim of supremacy. They now insisted upon superiority, as a divine right attached to their see, which had been founded by St. Peter; and this doctrine, which had appeared to influence the conduct of some of the Romish bishops of the preceding century, was no longer concealed, or cautiously promulgated by those who possessed the see during the present period; and such was the extensive influence of their intrigues, that there were few among the potentates of the western empire, who were not, before the close of the succeeding century, subjected to the authority of the bishops of Rome.

The corrupted doctrines of religion received, if no improvement, no very considerable alteration in the sixth century.—The torments of an intermediate state were, indeed, loudly insisted on, to the ignorant multitude at this time, by the superstitious Gregory, whom the Romish church has chosen to distinguish by the appellation of Great. This prelate is supposed by some to have laid the foundation of the modern doc-

trine of purgatory. The folly and fanaticism of Monks reigned unabated; the account of which would be tedious and unprofitable. A monk, in imitation of Symeon Stylites, lived sixty-eight years upon different pillars; and a number of the austere penitents, whose madness had probably occasioned their severities, and whose fanaticism in return heightened their mental imbecility, obtained a safe retreat from the world, in an hospital, established in the neighbourhood of Jerusalem, for the reception of those monks who were supposed to have lost their reason in the pursuit, of this pharisaical frenzy.

The Roman Mass-book, or Missal, was composed by Gregory the Great, the steady friend and patron of superstition; he strongly insisted on the efficacy of relics, and encouraged the use of pictures and images in the churches. Vigilius ordered that those who celebrated mass, should direct their faces to the east. The Lord's Supper was also at this period held in such dread and reverence, as to be in danger of total discontinuance. The use of salt and water for sprinkling those who entered or departed from the church, was established by an edict of Vigilius, in 538; a custom, like many others, adopted from the heathen worship.

When once men lose sight of the principal end and design of sacred truth, there is no folly too gross for them to adopt. In this century violent disputes took place among the priests, relative to the shaving of the head; and the question agitated was, whether the hair of the priests and monks should be shaven on the fore part of the head, from ear to ear, or on the top of the head, in the form of a circle, as an emblem of the crown of thorns, worn by Jesus Christ. In the services of the church a greater degree of splendour was continually introduced; and as this increased, men wandered farther and farther from the semblance of Christianity. The dreary night of ignorance began to gloom, and the road to truth, no longer pleasant and cheerful, was pursued only through dismal and inextricable labyrinths.<sup>u</sup>

In the seventh century, the bishops of Rome succeeded in greatly extending their authority. "The most learned writers,

<sup>u</sup> Gregory's Ch. Hist. vol. 1.



and those who are most remarkable for their knowledge of antiquity, are generally agreed that Boniface III. engaged Phocas, that abominable tyrant, who waded to the imperial crown, through the blood of the emperor Mauritius, to take from the bishop of Constantinople, the title of *Œcumenical*, or *Universal Bishop*, and to confer it upon the Roman pontiff;<sup>w</sup> and the title of *Pope*, by way of eminence, was first also in this century, applied to the bishop of Rome; a title which, meaning merely *Father*, had been hitherto used to the principal bishops in common. The bishops of Rome, having obtained the long contested pre-eminence, and having set their eyes on nothing short of universal sway, now laid claim to infallibility. and accordingly Agatho asserted, that the church of Rome never had erred, nor could err, in any point; and that all its constitutions ought to be as implicitly received, as if they had been delivered by the divine voice of St. Peter.\*

The progress of vice among the subordinate rulers and ministers of the church, was, at this time, truly deplorable; dissensions, fraud, pride, and domination, appeared on every hand; and it is highly probable, that the Waldenses, or Vaudois, had already, in this century, retired into the vallies of Piedmont, that they might be more at liberty to oppose the tyranny of imperious prelates. The monks were held in great estimation; and by making common cause with the bishops of Rome, the hands of each were materially strengthened. The bishops of Rome commended the rules of monastic life; and the monks, in their turn, extolled the Pope of Rome, whom they represented as a sort of Deity. Hence it became common for the heads of families to dedicate their children to the monastic life, by shutting them up in convents; devoting them to a solitary life, which they looked upon as the highest felicity: at the same time conveying to the convents large portions of worldly treasure. And numerous are the instances in which the most profligate and abandoned persons were comforted, in the prospect of death, by the delusive hope, that in bequeathing a

<sup>w</sup> Mosheim's Eccles. Hist. vol. II.

<sup>\*</sup> Hist. of Popery, vol. II. p. 5.



large portion of property to some monastic order, they should make atonement for a mis-spent life.

If the inhabitants of the western world were thus miserably ingulphed in ignorance, it can scarcely be a matter of surprise, that those of the eastern world, under very inferior circumstances, should become the easy prey of imposture, and the dupes of credulity.

In every age, such is the libel we are compelled to suffer on our species, the applauses and concurrence of the multitude are more certainly obtained by audacity than by prudence; and those notions which possess no title to respect, unless it be for their absurdity, have ever succeeded in proportion to the impunity by which they have been advanced and defended. The present century gave birth to those doctrines of Mahomet, which have since become the faith of so large a portion of the eastern world.

Descended from the most illustrious tribe of the Arabians, and from the most illustrious family of that tribe, Mahomet was, notwithstanding, reduced, by the early death of his father, to the poor inheritance of five camels, and an Ethiopian maid servant. In his 25th year, he entered into the service of Cadijah, an opulent widow of Mecca, his native city. By selling her merchandise in the countries of Syria, Egypt, and Palestine, Mahomet acquired a considerable part of that knowledge of the world, which facilitated his imposture and his conquests, and at length the gratitude or affection of Cadijah, which restored him to the station of his ancestors, by bestowing upon him her hand and her fortune. Having thus acquired advantages unknown to his early years, in the spirit of that ambition which filled the western world, he resolved to become a public teacher; and to this end gave out, that he had been visited by the angel Gabriel, and was appointed the Prophet and Apostle of God. In a cave, to which he was accustomed to retire, he professed to have received, at successive intervals, the doctrines which he taught; the nature of which were always suited to the convenience of his own conduct, and had this accommodating authority, that no present revelation could be affected by those which were previous: and hence, when he chose to transgress, he soon after asserted, he had received a revelation, which sanctioned the practice himself had adopted.

The progress of the doctrines of Mahomet were at the first slow. Cadijah was the first whom he entrusted with the secret of his mission, who received the intelligence with great joy, and expressed her expectation, that he would become the prophet of his nation. After this he resorted to other branches of his family, and his friends, from whom also he met a favourable reception. These first steps were taken in his fortieth year.—The sun had, nevertheless, thrice performed his annual circuit, without material addition to the followers of Mahomet. At length, however, he determined to become the public champion of his doctrines, and began to try the strength of his adherents; and having endured many difficulties, and surmounted many obstacles, he succeeded, at the point of the sword, in establishing his doctrines throughout the greater part of Arabia; and dying at the age of sixty-three, was interred in that simple tomb, which misguided multitudes still continue to visit with profound reverence.

In the formation of his doctrines, he is supposed to have been assisted by the Jew, the Persian, and the Syrian monks, who are said to have lent secret aid to the composition of the Koran; An opinion, which the heterogeneous contents of that volume appears to justify. The faith which, under the name of *Islam*, he preached to his family and nation, is compounded of an eternal truth, and a necessary fiction. *That there is only one God, and that Mahomet is the Apostle of God.\**

The doctrines of Mahomet were artfully adapted to the prejudices of the Jews, the several heresies of the eastern church, and the pagan rites of the Arabs. To a large proportion of mankind, also, they were rendered still more agreeable, by the full permission of sensual gratifications, both in this life and in that of the paradise he describes. Of the issue of his twelve wives, one daughter alone survived; and his sceptre was transferred to the hand of his friend Abubekir.

During this century, but few alterations were made in the doctrines of the church. In the fourth council of Toledo, held in the year 633, an alteration was made in the creed, asserting that the Holy Ghost proceeded from the Father and the Son;

\* Gibbon's Decline and Fall.

an opinion long maintained by the Greeks, and during this age introduced into the West. This Creed which has been distinguished by the appellation of the Nicene, is that which is used in the English Liturgy, but is in fact, the confession of faith drawn up at Constantinople.<sup>z</sup>

In the eighth century, the power of the bishop of Rome and the clergy was much increased, either by secret intrigue, or open violence; for though the persons who succeeded to that office differed in name, they were animated by one spirit, and therefore, each adopted the conduct of his predecessor in the one design of obtaining, under the specious garb of Christian professions, a larger extension of temporal authority. A very principal occurrence, which now favoured them in their views of advancement, arose from the dissensions which subsisted between the European princes, together with the blind submission of the barbarous nations, who had assumed the profession of Christianity.—The sovereigns of Europe, had introduced the practice of distributing large possessions to those persons, who, from their talents or situation, might contribute to the stability of the empire, and as the clergy had attained, by the seductive arts of superstitious folly, a great degree of reverence among the people, the princes bestowed on them those honours and rewards, which had usually devolved on the military;—this no doubt might be considered an act of temporary prudence, but it was unaccompanied by judicious foresight, for in the end, the power, thus conferred on the ecclesiastical authorities, was turned against that from whence it had originated.

The barbarous nations, who embraced the profession of the reigning faith, which had now become so transformed by human inventions, as to have nearly lost all resemblance to that whose name it bore; dazzled by the splendour of its services, and the apparent sanctity of its ministers, very naturally transferred the veneration they had been accustomed to feel for their native institutions, to those of the Roman church; and filled with the most profound reverence, they considered the bishops of Rome in the same light in which they had been accustomed to view their druidical high priest;—hence they had a supreme dread

<sup>z</sup> Bingham Ecc. Antiq. B. x. C. 4.



of their displeasure, and reckoned excommunication the greatest evil that could befall them.—The bishops of Rome, who assiduously embraced every means in their power for aggrandizement, soon seized those which the present opportunity afforded: and hence they propagated the adopted opinion, that excommunication not only deprived the individual of his claims, and advantages in the church, but also of his civil rights, and even of the common benefits of humanity; a doctrine the most horrible in its consequences, and well calculated to introduce that preponderance which soon arose, between the prostituted spiritual, and the temporal authority. Persons excommunicated, were henceforward considered the most miserable of men; their connections were released from the obligations of humanity towards them; and those unhappy individuals, were regarded only, as objects of the hatred, both of God and man.

The history of France, at this period, furnishes a remarkable example of the power of the Roman pontiff. Pepin, who was mayor of the palace to Childeric III. king of France, and who in the exercise of that high office, really possessed the royal authority, aspired also to the titles of the sovereign, and having ascertained the friendship of the states, he assembled them in 751, for the advancement of his views of dethroning the sovereign.—The states delivered the opinion, that it should be enquired at the Roman see if such a deed would receive its sanction, and ambassadors were in consequence dispatched by Pepin to Zachary the reigning pontiff, with the following question, “whether the divine law did not permit a valiant and warlike people, to dethrone a pusillanimous and indolent prince, who was incapable of discharging any of the functions of royalty, and to substitute in his place, one more worthy to rule, and who had already rendered most important services to the state?” Zachary, who wanted the assistance of France, against the Greeks and Lombards, gladly availed himself of the opportunity, and returned a reply, confirming the validity of such a proceeding.—The pontifical decision removed every difficulty, and the unhappy Childeric was compelled to yield, without resistance, his throne and government.

In those days of vassalage, the custom of kissing the feet of the pope, was quite established; a practice derived from the



sovereigns of Rome, in whose dignities they claimed a succession, which practice appears to have been first introduced by the emperor Caligula, from the vanity of exhibiting his golden slipper studded with precious stones;—in addition to this, the bishop of Rome was to be approached only, with the reverence and adulation common to the most potent monarchs.

Looking around at this period, what a mass of confusion does the world appear; from the effects of the spirit of antichrist, all things seem out of place, and the vapours of desolation darken and confound every object;—doctrines take the place of duties, and duties that of doctrines: here appears nothing but aspiring ambition, deprived by a superstitious alliance of its natural grandeur, and there nothing but tame obedience, rendered worthless by a gross ignorance. In the gloom of this cloudy day, religion and absurdity, truth and falsehood, became entirely amalgamated; and such was the triumph of monastic folly, over the plainest dictates of the understanding, that it was found necessary, in the council of Frankfort, to restrain the exercise of cruelty in the guardians of those miserable devotees, who had embraced that order, and the abbots were prohibited from putting out the eyes, or cutting off the limbs of their inferior brethren.

The ninth century, presents a continuation of the efforts used by the bishops of Rome, for establishing their dominion. Having obtained in the last the grant of the Grecian territories in Italy, as their patrimony,<sup>1</sup> they had the audacity to assert, that the bishop of Rome was constituted and appointed by Jesus Christ, supreme legislator and judge of the universal church, and that, therefore, the bishops derived all their authority from the Roman pontiff; nor could the councils determine any thing without his permission and consent. These pretensions were not without their effect, for if it was not at this period thought absolutely necessary, it was considered extremely proper, that the acts of bishops and councils, should be confirmed by the Roman pontiff. In this century, the question of authority, between the bishops of Rome and Constantinople, was finally decided, after a furious contest, by a separation.—The worship of images, and the doctrine of the real presence in the eucharist, now also obtained great attention. The worship of saints

acquired considerable popularity, and such was the rage among the vulgar for this delusion, that it was found necessary to limit their number, by ordaining, that no departed Christian should be considered as a member of the order of *Saints*, until the bishop had, in a provincial council, and in presence of the people, pronounced him worthy of that distinguished honour.

The impiety and licentiousness of the greatest part of the clergy arose, at this time, to an enormous height, and stand upon record in the unanimous complaints of the most candid and impartial writers of this century. In the east, tumult, discord, conspiracies, and treason, reigned uncontrolled, and all things were carried by violence and force. These abuses appeared in many things, but particularly in the election of the patriarchs of Constantinople. The favour of the court was become the only step to that high and important situation, and, as the patriarch's continuance, in that eminent post, depended upon such an uncertain and precarious foundation, nothing was more usual than to see a prelate pulled down, from his episcopal throne, by an imperial decree. In the western provinces the bishops were become voluptuous, and effeminate, to a very high degree; they passed their lives amidst the splendour of courts, and the pleasures of a luxurious indolence, which corrupted their taste, extinguished their zeal, and rendered them incapable of performing the solemn duties of their function; while the inferior clergy, who were sunk in licentiousness, minded nothing but sensual gratifications, and infected with the most heinous vices, the flock whom it was the very business of their ministry to preserve, or to deliver from the contagion of iniquity. Besides, the ignorance of the sacred order was in many places so deplorable, that few of them could either read or write! and still fewer were capable of expressing their wretched notions, with any degree of method or perspicuity. Hence it happened, that when letters were to be penned, or any matter of consequence was to be committed to writing, they had commonly recourse to some person who was supposed to be endowed with superior abilities.\*

\* Mosheim Ecc. Hist. Cent. 9. p. 3.

In the tenth century, the night of ignorance, which had been so long advancing, totally enveloped mankind. The only emulation which appears to have existed, was that of increasing members to the Catholic faith, and the work of conversion, such as it was, brought into that profession the Norwegians, Poles, Russians, Hungarians, Danes, Swedes, and Normans, some of whom, so very imperfectly understood the nature of their profession, that they continued to sacrifice according to their ancient idolatry.

The conduct of the clergy at this period became grossly vile. We may form some idea of the Grecian patriarchs, from the single example of Theophylact, who, according to the testimony of the most respectable writers, made the most impious traffic of ecclesiastical promotions; and expressed no sort of care about any thing, but his dogs and horses. Degenerate and licentious, however, as these patriarchs might be, they were, generally speaking, less profligate and indecent than the Roman pontiffs.

The history of the Roman pontiffs, (says Dr. Mosheim,) in this century, is a history of so many monsters, and not of men; and exhibits a most horrible series of the most flagitious, tremendous, and complicated crimes, as all writers, even those of the Romish communion, unanimously confess. A slight glance at some of the characters who now filled that office, will amply prove, that intrigue and villainy, were the surest requisites for attaining that appointment.—In the year 903, Benedict IV. was raised to the pontificate, which he enjoyed no longer than forty days, being dethroned by Christopher, and cast into prison; Christopher, in his turn, was deprived of the pontifical dignity the year following, by Sergius III., a Roman Presbyter, seconded by the protection and influence of Adalbert, a most powerful Tuscan prince, who had a supreme and unlimited direction, in all the affairs that were transacted at Rome. Anastatius III. and Lando, who upon the death of Sargius in the year 911, were raised successively to the papal dignity, enjoyed it but for a short time; after the death of Lando 914, Alberic, marquis, or count of Tuscany, whose opulence was prodigious, and whose authority in Rome was despotic and

unlimited, obtained the pontificate for John X., archbishop of Ravenna, in compliance with the solicitation of Theodora, his mother-in-law, whose licentiousness was the principle that interested her in this promotion. The laws of Rome were at this time absolutely silent.—The dictates of justice and equity were overpowered and suspended, and all things were carried on by interest or corruption, by violence or fraud.<sup>b</sup>

Pope John X., though in other respects a scandalous example of iniquity and licentiousness, acquired a certain degree of reputation, by his campaign against the Saracens, whom he expelled from their settlements upon the banks of the Garignialo; he did not, however, long enjoy his elevation, the enmity of Marozia, daughter of Theodora, and wife of Albert, proved fatal to him. That intriguing woman, having espoused Guy, Marquis of Tuscany, engaged him to seize the licentious pontiff, who was her mother's lover, and to put him to death. To John X. succeeded Leo VI. who presided but seven months in the apostolic chair, which was filled after him by Stephen VII. The death of the latter (931) presented, to the ambition of Marozia, an object worthy of its attention; and accordingly she raised to the papal dignity, John XI. who was the fruit of her lawless amours, with one of the pretended successors of St. Peter, Sergius III. whose adulterous commerce with that infamous woman, gave *an infallible guide* to the Roman church. John XI. who was placed at the head of the church, by the credit and influence of his mother, was precipitated from the summit of spiritual grandeur 933, by Alberic, his half brother, who had conceived the utmost aversion against him. Upon the death of her husband, Marozia, by her splendid offers, induced Hugo, king of Italy, to accept her hand. But the unhappy monarch did not long enjoy the promised honour of being made master of Rome; Alberic, his son-in-law, stimulated by an affront which he had received from him, excited the Romans to revolt, and expelled from the city, not only the offending king, but his mother Marozia, and her son, the reigning pontiff, all of whom he confined in prison, where John

<sup>b</sup> Mosheim Ecc. Hist. Cent. 10.



ended his days 936.—The four pontiffs who succeeded, were somewhat superior, at least their government was not attended with those tumults, which had become so frequent, from contention for the priestly dignity. Upon the death of Agupet the last of these, Alberic II. who to the dignity of Roman consul, joined a degree of authority and opulence which nothing could resist, raised to the pontificate Octavius, who was yet in the early bloom of youth, and destitute of every quality which might be supposed requisite for the discharge of that office. This pontiff took the name of John XII. and thus introduced the custom, which has since been adopted by all his successors, of assuming a new appellation upon their accession to the pontificate.

The death of John XII. was as unhappy as his promotion had been scandalous. Unable to bear the oppressive yoke of Berenger II. king of Italy, he betrayed the city of Rome to Otho, to whom he also swore allegiance; he soon, however, repented of the step he had taken, and, revolting from him, joined Adelbert. This revolt was not left unpunished, for Otho returned to Rome, charging him with his flagitious crimes, and degraded him from his office. As soon as Otho had again quitted Rome, John returned, and soon after died, in consequence of a blow on the temples, inflicted by the hand of a gentleman whose wife he had seduced. Of the manners of this age it is difficult to form a competent idea; they appear to have been a compound of the grossest voluptuousness, and the most abject superstition. The power which the clergy had attained was prodigious; they were considered as possessing the keys of purgatory at least, if not of hell—the dying profligate considered no price too dear for the redemption of his soul; and thus to use the expression of an ingenious writer—“having found what Archimedes wanted, another world to rest on, they moved this world as they pleased.”

The eleventh century witnessed the continued increase of Papal power. All the records of this century loudly complain of the vices that reigned among the rulers of the church, and

in general among all the clergy. No sooner had the western bishops obtained elevation than they gave themselves up entirely to the dominion of pleasure and ambition. The inferior orders of the clergy were also licentious in their own way; few among them preserved any remains of piety and virtue, or even of decency and discretion. While their rulers were wallowing in luxury, and basking in the beams of worldly pomp and splendour, they were indulging themselves, without the least sense of shame, in fraudulent practices, in impure and lascivious gratifications, and even in the commission of the most flagitious crimes.

The authority and lustre of the Latin church, or to speak more properly, the power and dominion of the Roman pontiffs, arose in this century to the highest pitch, though they arose by degrees, and had much opposition and many difficulties to conquer. In the preceding age the pontiffs had acquired a great degree of authority in religious matters, and in every thing that related to the government of the church; and their credit and influence increased prodigiously towards the commencement of this century. For then they received the pompous titles of *Masters of the World* and *Popes*, i. e. *Universal Fathers*.<sup>d</sup> Hitherto the struggle between temporal and the prostituted spiritual power had been clandestine. The popes indeed had often shewn their inclination to seize the reigns of civil government, a disposition which roused the opposition of princes, and particularly of William the Conqueror, now seated on the throne of England, the boldest assertor of the rights of royalty against the popish claims. The contentions and tumults also, which were usual in obtaining the papal chair were continued in a manner equally remarkable and disgraceful; and at this period the world witnessed two popes elected by opposite factions, contending for the mastery.—Hence an alteration was effected, confining the election for the papal dignity to the *Cardinals*, a title conferred on a number of the superior clergy.

The popes now not only aspired to the character of supreme legislators in the church, to an unlimited jurisdiction over all

<sup>d</sup> Mosheim Ecc. Hist. Cent. xi.

synods and councils, and to the sole distribution of all ecclesiastical honours, as divinely authorised and appointed for that purpose, but they carried their pretensions so far as to give themselves out for lords of the universe, arbiters of the fate of kingdoms and empires, and supreme rulers over the kings and princes of the earth. Nothing can be more insolent than the language in which Hildibrand, Pope Gregory VII. addressed himself to Philip I. king of France, to whom he recommends an humble and obliging carriage, from this consideration, that *both his kingdom and his soul were under the dominion of St. Peter* (i. e. his vicar, the Roman pontiff) who had *the power to bind and to loose him, both in heaven and upon earth*. Nothing escaped the all-grasping ambition of Gregory,—he pretended that Saxony was a feudal tenure, held in subjection to the see of Rome, to which it had been formerly yielded by Charlemagne, as a pious offering to St. Peter. He extended also his pretensions to the kingdom of Spain, maintaining that it was the *property* of the apostolic see from the earliest times of the church; these usurping assertions prevailed so far in Spain as to procure for the pope the acknowledgment of an annual tribute; but in England, when Gregory wrote to William the Conqueror, demanding the arrears of the *Peter Pence* (a penny from every house) and requiring him to do homage for the kingdom of England, as a fief of the apostolic see, William granted the former, but refused the latter, with a noble obstinacy, declaring, that he held the kingdom from God only, and by his own sword.\*

Gregory, however, succeeded by his familiarity with Matilda, the daughter of Boniface, duke of Tuscany, and the most powerful and opulent princess in that country, who settled all her possessions in Italy and elsewhere upon the church of Rome, and the successors of St. Peter.

In the year 1074, it was decreed in a council held at Rome, that the sacerdotal order should abstain from marriage, and that such of them as had already wives or concubines should immediately dismiss them, or quit the priestly office, a decree which was enforced in the most rigid manner.

The eleventh century, although remarkable for the exten-

\* Mosheim Ecc. Hist. Cent. xi.



sion of pontifical authority, is also more nobly so on account of the dawnings of truth, and the revival of learning. The close of this century witnessed the novelty of an army marching under the banner of the cross, in a war against the Holy Land, thence denominated the first CRUSADE. The land of Palestine had become the object of veneration, both to the Mahometan and Christian professors. The popes had for a long time viewed it with an anxious eye; and Gregory VII. actually resolved to undertake in person a holy war, and instigated upwards of fifty thousand men to embark in the design, but his quarrels and other occurrences frustrated his views. The project, however, was renewed towards the close of this century, by the enthusiastic zeal of an inhabitant of Amiens, called Peter the Hermit, who having visited Palestine, displayed, in the most affecting manner, the sufferings of the natives and pilgrims.—Peter supplied the deficiency of reason by loud and frequent appeals to Christ and his mother, to the saints and angels of paradise, with whom he had personally conversed, and, it is said, carried about with him a letter which, he affirmed, was written in heaven, addressed to all true Christians, to animate their zeal for the deliverance of their brethren, who groaned under the burthen of a Mahometan yoke.<sup>f</sup> So flattering an opportunity as this for exhibiting the pious zeal of the faithful was not to be lightly regarded, and therefore Pope Urban assembled a council at Placentia and at Clermont; at the latter of which his eloquence prevailed; and an incredible number devoted themselves to the service of the cross, which was made the symbol of the expedition, and which, worked in red worsted, was worn on the breasts or shoulders of the adventurers. The court of Rome used every exertion to encrease the number of these devotees, and proclaimed a plenary indulgence to those who should enlist under the cross, and a full absolution of *all* their sins.

The 15th of August, 1096, had been fixed in the council of Clermont, for the departure of the pilgrims, but the day was anticipated by a thoughtless and needy crowd of plebeians. Early in the spring, from the confines of France and Lor-

<sup>f</sup> Gibbon's Decline and Fall, chap. 27.



rairie, above sixty thousand of the populace of both sexes flocked round the missionary of the crusade, and pressed him with clamorous importunity to lead them to the holy sepulchre. The Hermit obeyed, and led forward the motley group, which was soon followed by fifteen or twenty thousand from Germany, whose rear was again pressed by an herd of two hundred thousand, the most stupid and savage refuse of the people, who mingled with their devotion a brutal licence of rapine, prostitution, and drunkenness. Some counts and gentlemen, at the head of three thousand horse, attended the motions of the multitude to partake in the spoil, but their genuine leaders (may we credit such folly?) were a goose and a goat, who were carried in the front, and to whom was ascribed, by the ignorant multitude, an infusion of the Divine Spirit.<sup>5</sup> This rabble, after being wasted by the Hungarians, and the natural evils attending their disorderly progress, were overwhelmed in the plains of Nice, by the Turkish arrows; and from the beginning to the end of this expedition 300,000 perished before a single city was rescued from the infidels, and before their graver and more noble brethren had completed their preparations. The regular armies which embarked in this undertaking proceeded in due order: that commanded by Godfrey of Bouillon, Duke of Lorraine, was composed of eighty thousand well chosen troops, horse and foot, and directed its march through Germany and Hungary. Another which was headed by Raymond, Earl of Toulouse, passed through the Slavonian territories. Robert, Earl of Flanders, Robert, Duke of Normandy, Hugo, brother to Philip I., King of France, embarked their respective forces in a fleet; and these armies were followed by Boëmond, Duke of Apulia and Calabria, at the head of a chosen and numerous body of valiant Normans.

This army was the greatest, and, in outward appearance, the most formidable that had been known in the memory of man. It obtained the possession of the city of Nice, in Bithynia, 1097, and after a siege of five weeks, that of Jerusalem, the crowning point of their ambition; at the head of which was placed the celebrated Godfrey, whom the army saluted King of Jerusa-

<sup>5</sup> Gibbon's *Decline and Fall*, ch. 37.

lem, with an unanimous voice, and leaving a small force for his support, returned each to his native territory.

This *holy war*, as it was stiled, proved highly productive to the Romish church, since those who embarked in it disposed of their property as if they had died, and made large donations to the papal power; and this circumstance, with those before enumerated, gave to the church a title to earthly possessions and temporal government.

In the commencement of the twelfth century, Boleslaus, Duke of Poland, having conquered the Pomeranians, offered them peace upon condition that they would receive the Christian teachers, and permit them to exercise their ministry among them, a condition which they accepted, and by which the profession of Christianity was established among them. Hence it became allowable to make war on nations, for no other reason than because they adhered to their antient superstitions in preference to those of the Romish people; and the most horrible scenes of cruelty and bloodshed were carried on against the Livonians in a *holy war*, for their conversion.

In 1146, a second crusade was undertaken, rendered necessary by the hostile measures adopted by the Mahometans, who obtained possession of Edessa, and threatened Antioch. The second crusade was followed by a third, which obtained support from Richard I. King of England, and which exhausted the armies of England, France, and Germany. At this period were introduced several orders, designed to confer honour on the adventurers—as the Knights of St. John of Jerusalem, the Knights of Malta, and the Knights Templars, from a palace appropriated to them adjoining the temple at Jerusalem.

This century also witnessed a contention between Pope Pascal and Henry IV., in which the former, after exhausting the force of excommunications, finally obtained victory through the rebellion of an unnatural son, afterwards Henry V., who seized upon his father, and compelled him to abdicate his throne.

The dormant struggle for power between the popes and emperors, was revived during the pontificate of Alexander III. who attained the papal chair 1159. The elevation of this prelate was warmly opposed by several of the cardinals, who

another of their body, under the name of Victor III., which they obtained the sanction and assistance of the Emperor Frederick I. The terrified pontiff fled precipitately into Sicily, whence he procured a passage into France; and such was the pitch which superstitious folly had attained, that the Kings of France and England, led the horse of this pretended successor of St. Peter, themselves on foot holding his horse's bridle. After a series of contentions during eighteen years, tranquillity was once more restored by the submission of the emperor, who condescended to prostrate himself at the feet of the haughty pontiff, in the great church of St. Mark, at Venice, and to receive from him the Kiss of Peace.

In this century also the celebrated Thomas à Becket, of sainted memory, was assassinated. This haughty prelate, who was Archbishop of Canterbury, by his zeal in behalf of the court of Rome, gave great offence to his sovereign, Henry II. of England, the consequences of which at length proved fatal. After repeated affronts, the king one day, in an unguarded moment, when particularly exasperated, expressed himself thus; "Am I not unhappy, that among the numbers who are attached to my interests, and employed in my service, there is none possessed of spirit enough to resent the affronts, which I am constantly receiving from a miserable priest?" These words were indeed not pronounced in vain—four gentlemen of the court immediately set forward to Canterbury, where they found Becket in his chapel, performing the evening service, and slew him. Henry reflecting on his words, and having reason to suspect their design, dispatched a messenger after them, charging them to attempt nothing against the person of the primate. But these orders arrived too late.<sup>a</sup> Such, however, was the power of the reigning superstition, that the reluctant Henry was compelled to do severe penance, as the instigator, whilst the prelate was enrolled among the saints and martyrs, and such miracles attributed to his bones as obtained whole hosts of pilgrims from most parts of the world, and a shrine of immense value.

Pope Alexander III., who, like most of his predecessors,

<sup>a</sup> Hume's England, Vol. I. 394.



knew much more of secular policy than of religion, enacted, in the third council of the Lateran, that the person, in whose favour two-thirds of the college of cardinals voted, should be the duly elected pope; a law which will probably last as long as popery, because it excludes the people, and even the inferior clergy, from any share in the choice of their *holy father*. In this council also a spiritual war was declared against heretics. The appearance of some champions of truth in the last century has been before alluded to, and if great attention has not been paid to them, it is because the subject leads in the rugged steps of haughty prelates and aspiring pontiffs, gradually ascending to the very pinnacle of power, until the deluded world fell down beneath them, a mighty ruin. In this place, however, let those exalted worthies receive homage, who, from age to age, kept up the dying embers of expiring truth, until at length it poured its sacred rays in a full tide on the benighted world.

The increase of opposition which the Popish faith experienced, and the fact that some were to be found who would dare to think, though it should cost their blood, determined the project of a *spiritual war*; a very natural precursor to that crying abomination, the *Holy Inquisition*, at once the scourge, disgrace, and terror, of the human race.

This century is also remarkable for the sale of *indulgences*, by which the church was supposed to forego its power of punishing offenders, in consequence of a certain fine. In these times of dotage every sort of mummary was accounted holy, and the monks introduced the practice of carrying the dead bodies of their *saints* in solemn procession through the land, which the abject multitude were permitted to approach, to touch, or to embrace, at certain established prices. The inferior clergy had accustomed the people to the purchasing of pardons, and the popes, considering the value of the appendage, laid claim to the benefit, and annexed the sale of indulgences to the prerogatives of the holy see. It is not, however, designed to extend this rapid Survey of Ecclesiastical History beyond the close of this twelfth century. The




History of the Inquisition naturally, in some degree resuming, or alluding to that subject.

In conclusion, therefore, what an argument does the vast period, now hastily glanced over, afford, on the mischievous effects of error and of superstition. The world has been conquered by force of arms, but her inhabitants were held in subjection, by the continued efforts of that power, which first reduced them. Superstition obtains a victory, and maintains a conquest, by a far different operation—she gains possession of the heart. Warriors have indeed prevailed over physical force, but they could never controul the will. Superstition has done this;—she has seated herself in the throne of judgment, and commanded all human affections. Reviewing the past, may it not then be said, what a deadly poison is that which she instills! Sufficiently allied to truth to obtain its sacred sanction, and yet so contaminated by error, as wholly to destroy the efficacy of that alliance; her influence descends upon the mind of man like an overshadowing cloud, which, from a transparent vapour, becomes a solid gloom, leaving the wretched wanderer in the mazes of the grossest darkness. Superstition, indeed, appears to be the human mind's most natural disease, in its present fallen state; cut off by transgression from that love and contemplation of the Divine excellency, for which it was originally created, the soul betrays its sacred instinct, by an awful and perverted action; for when men knew God from the displays of his eternal power in the visible world, they glorified him not as God, but became vain in their imagination, and their foolish hearts were darkened. Hence the histories of all nations abound with the records of idol worship, but whilst the abominations of a system professedly established on Christian principles are in view, it is unnecessary to turn for scenes of horror to the plains of Juggernaut.

It is truth, scriptural truth alone which can emancipate the soul—not by assisting men's natural notions, but by dictating *every idea*, which is proper or even allowable in the service of God: where this is the case, there the kingdom of God is established in the heart of man; where it is not, but where the scriptures are either partially or wholly laid aside—where

men reject the commandments of God, that they may keep their own traditions, all things are out of place, there is confusion, and more or less every evil work. Hence the great enemy of man and his emissaries, have either forbid the reading of the scriptures, or sophistically perverted their all-important declarations. They have however been confounded whenever and by whomsoever the sacred volume has been duly honoured—taught by its prophetic voice, and assured of final victory, Christians have in every age been animated to use this weapon alone, in the face of every danger, whilst in the same loving spirit which it breathes—(not by fire and sword) they have endeavoured to persuade all human kind to love the sacred Author of their being in the way his wisdom and mercy have appointed.





# HISTORY

## OF THE

# Inquisition.

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### CHAP. I.

*The Doctrine of JESUS CHRIST forbids Persecution on the Account of RELIGION.*

**ALTHOUGH** THE INQUISITION was not so much as heard of in the Christian church before the thirteenth century, yet since it has spread itself almost throughout the whole world and become every where notorious, it is not to be wondered at, that there should be a general curiosity in mankind of more thoroughly understanding it, and knowing by what laws it is conducted, and what are the methods of proceeding therein. The doctors of the Romish church give it the highest commendations, as the only and most certain means of extirpating heresies, and an impregnable support of the faith; not invented by human wisdom and council, but given to men by the immediate influence of heaven, whose tribunal breathes nothing but holiness, and to which they give such titles, as denote the most perfect sanctity. The Inquisition itself is called the *Holy Office*, the prison of the Inquisition the *Holy House*; so that the very name confers upon it respect and veneration: yea, they go so far as to compare it with the sun, and affirm, that as it would be accounted ridiculous to commend and extol the sun, it would be equally so to pretend to praise the Inquisition.



The Protestants, on the other hand, represent it, not only as a cruel and bloody, but most unjust tribunal; where, as the laws by which other tribunals are governed are disregarded, so many things which every where else would be esteemed unrighteous, are commended as holy. And they are so far from thinking that it is a proper means of restraining or punishing the guilty (which is the principal thing to be aimed at by every tribunal) that, on the contrary, they believe it was invented for the oppression of truth, and the defence of superstition and tyranny: where persons, let their innocence appear as bright as the sun at noon-day, are treated as the most vile and perfidious wretches, and cruelly put to death by the severest tortures. I therefore thought it might be of service to the world, to describe the origin of this tribunal; and against whom, and by what methods, they generally proceed in it. In order to this, it is necessary to look back, and deduce this whole affair from its very origin.

The Christian religion, taught by the Apostles, made its progress in the world, and shewed itself to be of divine original, by the holiness of its precepts, the exceeding greatness of its promises, and the many miracles, wrought in confirmation of it; and, at last, brought the whole world into its obedience, without the assistance of carnal weapons, or temporal power.

Our Saviour sent his disciples into the world, as a blessing: they were to preach the Gospel to every creature—to publish those glad tidings of great joy, which concern all people—to proclaim his character and office, according to that prophecy, which he himself adopted as his own, in the synagogue at Nazareth, and by which he is declared, anointed to preach the gospel to the poor—sent to heal the broken-hearted—to preach deliverance to the captives—recovering of sight to the blind—and to set at liberty the bruised.

A character like this, stands at an infinite distance from cruelty of every kind. Its perfection consists in being *holy*, *harmless*, and *undefiled*; it never sanctioned the doing of evil that good may come. Nor will any act of such a kind fail to meet with disapproval in that day, when God shall judge the secrets of men by his well-beloved Son, the Author and the Finisher of Faith.

## CHAP. II.

*The opinion of the PRIMITIVE CHRISTIANS concerning Persecution.*

THE primitive Christians opposed with the greatest vigour, all cruelty and persecution for the sake of religion. It is true, indeed, that they condemned the Heathen for their barbarities; and argued wholly for this, that Christians should have the free exercise of their religion granted them; but they used such arguments, and topics of reasoning, and even sometimes when treating of different subjects, expressed themselves in such a manner, as plainly declares that they do equally condemn all sort of violence for the sake of religion, against all persons whatsoever. Thus Tertullian, in his *Apology*,<sup>i</sup> says: “Take heed that this be not made use of to the praise of impiety, viz. to take away from men the liberty of religion, and forbid them the choice of their deity; so that it should be criminal for them to worship whom they would, and they should be compelled to worship whom they would not; no one would accept of an involuntary service, no not a man.” And again,<sup>j</sup> “It plainly appears unjust, that men possessed of liberty and choice, should be compelled against their will to sacrifice. For in other cases a willing mind is required in the performance of divine worship; and it may justly be accounted ridiculous to force any person to honour the Gods, whom he ought willingly for his own sake to endeavour to appease.” And again, in his book to Scapula.<sup>k</sup> “Every one hath a natural right and power to worship according to his persuasion, for no man’s religion can be either hurtful or profitable to his neighbour: nor can it be a part of religion to compel men to religion, which ought to be voluntarily embraced, and not through constraint; since ’tis expected, that even your sacrifices should be offered with a willing mind; so that if you compel us to sacrifice, think not to please your Gods; for unless they delight in strife, they will not desire unwilling sacrifices: but God is not a lover of contention.” Cyprian also agrees with Tertullian his master, in his 62d letter to Pomponius, concerning virgins, where,

<sup>i</sup> Cap. 24.<sup>j</sup> Cap. 28.<sup>k</sup> Cap. 2.

treating of the excommunication of offenders, he thus speaks: "God commanded, that those who would not obey his priests, and those judges, which time after time he appointed, should be slain. Such were cut off with the sword during the dispensation of the circumcision in the flesh. But now, since the spiritual circumcision takes place in all the faithful servants of God, the proud and obstinate are to be slain with the spiritual sword, by being cast out of the church." The Apostle, in his Epistle to the Corinthians, says, That in a large house there are not only vessels of gold and silver, but of wood and earth, some to honour, and some to dishonour. "Let us endeavour, as much as we can, to be found amongst those of gold and silver. 'Tis the sole prerogative of the Lord to break the earthen ones, to whom the iron rod is committed. The servant cannot be greater than his Lord; nor should any one arrogate to himself what the Father hath committed to the Son only, viz. to winnow and purge the flour, and separate, by any human judgment, the chaff from the wheat." And in his 55th to Cornelius: "Nor let any one wonder that some should forsake the servant appointed over them, when the disciples left the Lord himself, though he wrought the greatest signs and wonders; and proved by the testimony of his works, that he acted by the power of his Father. And yet he did not reproach or grievously threaten them when they forsook him, but gently turned to his Apostles and said, What, will you forsake me also? Observing that sacred law, of every one's being left to his own liberty and will, and making for himself his own choice, whether of life or death." Now since from these passages, it plainly appears, that Cyprian taught, that all force in matters of religion, is contrary to the nature of Christianity, I cannot but take notice of the dishonesty of Bellarmine,<sup>1</sup> who in his 3d book of Controversies,<sup>m</sup> brings in Cyprian as a defender of the murder of Heretics; who having in his book concerning martyrdom, cited that passage out of Deut. xiii. "That the false prophet shall be slain, adds, If this was to be done under the Old Testament, much more under the New." But if we look to the words immediately following, we shall find that Cyprian's opinion was

<sup>1</sup> De Laicis.

<sup>m</sup> cap. 21.



quite the reverse: for these are the words of Cyprian: "If before the coming of Christ, the commands of worshipping God, and forsaking idols, were to be observed, how much rather are they to be observed since his appearance? who not only exhorted us by words, but by his own actions; and who, after having endured all manner of injuries and reproaches, was crucified, that he might leave us an example how to suffer and die. So that he hath no excuse who will not suffer on his own account; for as he suffered for the sins of all, how much more ought every one to suffer for his own sins?" If this passage be read entire, it will appear, how very falsly Bellarmine hath applied it to the defence of the murder of Heretics, which was only intended as an exhortation to the patient suffering of martyrdom.

Lactantius defends the same doctrine in a nobler and plainer manner,<sup>n</sup> "There is no need of compulsion and violence, because religion cannot be forced, and men must be made willing, not by stripes, but arguments. Let them draw the sword of their reason; if their reasons are good, let them produce them; we are ready to hear, if they can teach; if they are silent, we cannot believe them: if they pretend to force us, we cannot yield to them: let them imitate us, or fairly debate the case with us. It is not our manner, as they object, to entice men; we teach, prove, and demonstrate; no one is kept amongst us against his will; and he must be unacceptable to God, who wants devotion and faith; and yet none forsake us, being preserved by the sole evidence and force of truth." And a little after: "Let them learn from this what difference there is between truth and falsehood; in that they, though boasting of their eloquence, cannot persuade; yet Christians, though unskilful and ignorant, can; for the thing itself, and truth pleads in their behalf. To what purpose then is their rage, but to expose more that folly which they strive to conceal? Slaughter and piety are quite opposite to each other; nor can truth consist with violence, or justice with cruelty." And a little after: "They are convinced that there is nothing more excellent than religion, and therefore think that it ought to be defended with force; but they are mistaken both in the nature

<sup>n</sup> Lib. 5. c. 20.



of religion, and in the proper methods to support it; for religion is to be defended, not by murder, but persuasion; not by cruelty, but patience; not by wickedness, but faith. Those are the methods of bad men, these of good; and 'tis necessary that a religious man should be good, and not evil; for if you attempt to defend religion by blood, and torments, and evil, this is not to defend but to violate and pollute it: for there is nothing should be more free than the choice of our religion, in which, if the consent of the worshipper be wanting, it becomes entirely void and ineffectual. The true way therefore of defending religion is by faith, a patient suffering, and dying for it: this renders it acceptable to God, and strengthens its authority and influence." This was that most harmless persuasion of the Primitive Christians, before the world had yet entered into the church, and by its pomp and pride had perverted the minds, and corrupted the manners of professors.



### CHAP. III.

*The Laws of the EMPERORS, after the Nicene Council, against the Arians and other Heretics.*

AFTER the conversion of Constantine to the Christian religion, the civil power became vested in the hands of Christians. This change in their circumstances produced as great a change in their doctrine and manners; and they introduced into the church methods of cruelty, not only equal to those of the Heathen, but even greater than were ever practised by them. What gave the first rise to it was, the dispute between Alexander, bishop of Alexandria, and Arius, a Presbyter of the same church: when the news of this was brought to Constantine, he first by letter sharply reproved them. But afterwards, with the persuasion of the bishops, or out of some political view, he called the *Nicene council*, that by their authority the opinions of Arius might be condemned. Eusebius, who was present at that council, was able to give the

best account of it; but he chose rather that their actions should be for ever forgotten, and contented himself in a very few words to declare the issue of it: and if we add to the account given by him, the somewhat larger one given by Socrates, it appears plain, that all who would not subscribe to their decrees, were condemned to banishment, and there is no room to doubt, such are the frailties of human nature, but that many through fear were compelled to subscribe. Some few indeed there were, who not at all terrified with the fear of banishment, went into exile with Arius, whom the Synod had condemned, because they would not consent to his condemnation. The emperor himself put forth an edict, by which he ordained, that all the books written by Arius should be burnt, "condemning to death every one that should conceal any of Arius's books, and not commit them to the flames."<sup>a</sup> He afterwards put forth a fresh law against the Recusants, by which he took from them their places of worship, and prohibited their meeting not only in public, but even in any private houses whatsoever.<sup>b</sup>

After they had thus proceeded to methods of severity, and civil punishments were decreed against those, whose opinions the council were pleased to condemn, whom they exposed under the infamous name of Heretics, and rendered odious to the people, their cruelty was not satisfied with one degree of punishment only; they went from one to another, that so the doctrine condemned by the council might find none that should dare to defend it, and might at last be totally extirpated. From pecuniary mulcts, they proceeded to the forfeiture of goods, banishment, and at length to slaughter and blood; for such is the nature of cruelty, that it seldom confines itself to the first beginnings, but when it is once let loose, like an impetuous torrent, it spreads itself every where, and from every occasion grows more outrageous and furious. This will appear most plainly in the account I am now giving of the methods for the restraining and punishment of Heretics.

For in the first place, laws were made against Heretics, whereby they were prohibited from having churches, holding

<sup>a</sup> Socrat. l. i. c. 9.

<sup>b</sup> Euseb. *Life of Constantine*, l. 3. c. 65.

assemblies, the enjoying any ecclesiastical preferments, the consecration of bishops, the ordination of priests, the making of wills, the succeeding to inheritances, the sharing in any charities, the advancement to public offices, and ordaining severe punishments against those who did not observe these prescriptions.

And first, it was determined who should be accounted Heretics. "They are comprehended under the name of Heretics, and are adjudged to the punishments pronounced against such, who shall be discovered to differ, even in the least point, from the judgment and practice of the Catholic religion."<sup>a</sup> By the same law it is ordained, "That no one should dare, either to teach or learn those things that shall have been decreed to be profane."<sup>b</sup> By the law following, their churches are taken from them, and they are prohibited from performing holy offices, either in private houses or churches, under the forfeiture of one hundred pounds of gold upon all contraveners.<sup>c</sup> The following law is yet more severe, which takes from them the power of giving, buying, selling, making contracts or wills, or inheriting their parents estates, unless they renounce their heretical pravity. There are many laws extant concerning the banishment of Heretics. Theodosius II. and Valentinian III. counting up thirty-two sects, and their followers, decree, "let not these and the Manicheans, who are arisen to the height of impiety, have the liberty of dwelling any where within the dominions of the Roman empire: let the Manicheans be expelled from every city, and punished with death; for they are not to be suffered to have any dwelling on the earth, lest they should infect the very elements themselves."<sup>d</sup>

See also L. Quicunque, where the forementioned penalties are not only repeated, but other kinds of punishments ordained against them; which are all extant in the law of the emperor Martian, who renews the punishments ordained by the preceding emperors, against the Eutichians, and which is recorded at the end of the council of Chalcedon, and which will suffice in-

<sup>a</sup> L. Omnes, c. de Hæret.

<sup>b</sup> Cuncti.

<sup>c</sup> Manichæos.

<sup>d</sup> L. Ariani, c. de Hæret.



stead of all other instances. By this law the emperor ordained, "That they should not have power of disposing of their estates, and making a will, nor of inheriting what others should leave them by will. Neither let them receive advantage by any deed of gift, but let whatsoever is given them, either by the bounty of the living, or the will of the dead, be immediately forfeited to our treasury; nor let them have the power, by any title or deed of gift, to transfer any part of their own estates to others. Neither shall it be lawful for them to have or ordain bishops or presbyters, or any other of the clergy whatsoever; as knowing that the Eutichians and Apollinarists, who shall presume to confer the names of bishop or presbyter, or any other sacred office upon any one, as well as those who shall dare to retain them, shall be condemned to banishment, and the forfeiture of their goods. And as to those who have been formerly ministers in the Catholic church, or monks of the orthodox faith, and forsaking the true and orthodox worship of the Almighty God, have, or shall embrace, the heresies and abominable opinions of Apollinarius, or Eutyches, let them be subject to all the penalties ordained by this, or any foregoing laws whatsoever, against hereticks, and banished from the Roman dominions, according as former laws have decreed against the Manicheans. Farther, let not any of the Apollinarists, or Eutychians, build churches or monasteries, or have assemblies and conventicles, either by day or night; nor let the followers of this accursed sect meet in any one's house or tenement, or in a monastery, nor in any other place whatsoever: but if they do, and it shall appear to be with the consent of the owners of such places, after a due examination, let such place or tenement in which they meet, be immediately forfeited to us; or if it be a monastery, let it be given to the orthodox church of that city in whose territory it is. But if so be, they hold these unlawful assemblies and conventicles, without the knowledge of the owner, but with the privity of him who receives the rents of it, the tenant, agent, or steward of the estate, let such tenant, agent, or steward, or whoever shall receive them into any house or tenement, or monastery, and suffer them to hold such unlawful assemblies and conventicles, if he be of low and mean condition, be publicly bastina-



doed, as a punishment to himself, and as a warning to others; but if they are persons of repute, let them forfeit ten pounds of gold to our treasury. Farther, let no Apollinarist or Euty-chian ever hope for any military preferment, except to be listed in the foot soldiers, or garrisons: but if any of them shall be found in any other military service, let them be immediately broke, and forbid all access to the palace, and not suffered to dwell in any other city, town, or country, but that wherein they were born.

“ But if any of them are born in this august city, let them be banished from this most sacred society, and from every metropolitan city of our provinces. Farther, let no Apollinarist, or Euty-chian, have the power of calling assemblies, public or private, or gathering together any companies, or disputing in any heretical manner; or of defending their perverse and wicked opinions; nor let it be lawful for any one to speak or write, or publish any thing of their own, or the writings of any others, contrary to the decrees of the venerable synod of Chalcedon.— Let no one have any such books, nor dare to keep any of the impious performances of such writers. And if any are found guilty of these crimes, let them be condemned to perpetual banishment; and as for those, who, through a desire of learning, shall hear others disputing of this wretched heresy, it is our pleasure, that they forfeit ten pounds of gold to our treasury, and let the teacher of these unlawful tenets be punished with death. Let all such books and papers, as contain any of the damnable opinions of Eutyches or Apollinarius, be burnt, that all the remains of their impious perverseness may perish with the flames; for it is but just, that there should be a proportionable punishment, to deter men from these most outrageous impieties. And let all the governors of our provinces, and their deputies, and the magistrates of our cities, know, that if, through neglect or presumption, they shall suffer any part of this most religious edict to be violated, they shall be condemned to a fine of ten pounds of gold, to be paid into our treasury; and shall incur the further penalty of being declared infamous.

“ Given at Constantinople, in the Ides

“ of August, and the Consulate of

“ Constantius and Rufus.”

At the same time that they published these cruel laws, the authors of them would fain be thought, to offer no violence to conscience. This same emperor Martian, in another epistle to the Archimandrites of Jerusalem, at the end of the acts of the synod of Chalcedon, says, "Such, therefore, is our clemency, that we use no force with any one, to compel him to subscribe or agree with us, if he be unwilling: for we would not, by terrors and violence, drive men even into the paths of truth." Who would not wonder that they should thus seek to colour over their cruelties? A doctrine is forbidden to be learnt or taught, under the severest penalties, which those ought to think themselves obliged to profess, who are persuaded of the truth of it; and those who do profess it, are, for that reason, exposed to many punishments; and yet the authors of such punishments would still be thought to offer no violence to conscience. But I would fain know, for what end are all these penalties against heretics ordained? For no other surely, but that men may be deterred, by the fear of them, from meeting together, and openly professing themselves, or teaching others those doctrines, which they think themselves obliged, in conscience, both to profess and propagate; and that, being at length quite tired out by these evils, they may join themselves to the established churches, and at least profess to believe their received opinions. But this is to offer violence to conscience, or to force men, by the fear of punishments, not to profess what they believe, or to pretend to believe what they do not; neither of which can be done, but in opposition to the voice and dictates of conscience.

The constitution of Theodosius was in much severer terms, which is extant in the code of Theodosius,<sup>a</sup> in which we read thus: "Farther, we ordain, that whosoever shall persuade or force a slave, or freeman, to forsake the worship of the Christian religion, and join himself to any accursed sect or rite, let him be punished with loss of fortune and life." And a little after, "Let him first incur the forfeiture of his goods, and afterwards be condemned

<sup>a</sup> Tit. de Judæis, l. 1. and lib. 16. tit. 6. l. 75.

to the loss of life, who; by false doctrine, shall pervert any one from the faith."<sup>e</sup>

This law so pleases Simanca, that he congratulates himself on its being made by an emperor that was a Spaniard; for, after having recited it, he adds: "A law truly worthy of an emperor that was a Spaniard!" as though it was the glory of Spain to exceed all nations in cruelty; and its honour, even in former ages, to have been as remarkable for using severer methods of punishments in this world to miserable heretics than others, as they have been since for the barbarities practised by the bloody tribunal of the Inquisition. The emperors Honorius and Theodosius also,<sup>a</sup> "If any one shall be discovered to have rebaptized any of the ministers of the Catholic party, let him be put to death; both the person guilty of this execrable impiety, (if he be of an age capable of guilt) and the party seduced by him."

It is true, these were laws made by the civil magistrate, but that they were published with the approbation, and at the instigation of the bishops, no one can doubt, who compares our times with the ancient. The bishops could not bear that their decrees and anathemas should be slighted as insignificant and harmless flashes. They would fain have all condemned by their sentence, appear to be justly condemned; and eagerly thirsted after the mitres and churches of those whose doctrines they were pleased to anathematize.



## CHAP. IV.

### *The ARIAN Persecutions of the ORTHODOX.*

BUT neither did the Arians, when they had an emperor of their own party, refrain from any sort of cruelty, but persecuted

<sup>a</sup> Simanc. Tit. 46, § 48.

<sup>b</sup> Cod. de Sanct. Baptisma iteratur, l. 2.

those, by whom they had been deprived, with a more implacable and bloody hatred. The persecutions against Athanasius, their principal adversary, are notorious to all. Athanasius himself, in his letter to the hermits, gives us many instances of their cruelty, which is the burthen of his epistle; and aggravated, as far as words can do it, viz. that they scourged the bishops in Egypt, and bound them with cruel chains; that they sent Sarapammo into banishment, and beat Potammo in so barbarous a manner on his back, that he was left for dead, and died soon after of his bruises and pain;<sup>a</sup> that they would not suffer a dead woman to be buried;<sup>b</sup> that they ejected many bishops from their sees, and sent them into banishment; and that they obtained an edict from the emperor, that the bishops should not only be banished from the cities and churches, but even punished with death wherever they could be found. And he adds: "That so dreadfully were men terrified by them, that some pretended to believe their heresies; and others, through fear, chose rather to fly into deserts than fall into their hands."<sup>c</sup> In another place he says: "How many bishops were brought before governors and kings, and heard this sentence from their judges, '*Either subscribe, or depart from your churches?*—for the emperor hath commanded you shall be banished from your churches.' How many, in every city, scattered themselves up and down, for fear of being accused as the bishop's friends? For the magistrates were written to, and commanded, upon penalty of a fine, to compel the bishops of their respective cities to subscribe. In fine, all places and cities were filled with terrors and tumults; for violence was offered to the bishops, and the judges saw the mournings and sighs of the people." And at length, after a tragical account of the various cruelties and persecutions of the Arians, he adds: "That they would not suffer the friends of those they had slain, to bury their dead bodies, but hid them in private places, that thereby they might conceal their murders."<sup>d</sup> There are other passages to the same purpose, in the same epistle.

<sup>a</sup> Simanca, tit. 49. § 14. p. 814.<sup>b</sup> Ibid, p. 821.<sup>c</sup> Ibid, p. 829.<sup>d</sup> Ibid, p. 859.



Victor also relates several kinds of cruelty practised by Hunerick, the Arian king of the Vandals, in Africa; but it would be too tedious to recount them all. It is enough to add, that some had their tongues cut out, others their hands, others their feet chopt off, others their eyes dug out, and others were miserably slain through the extremity of their tortures;<sup>a</sup> and Ammianus Marcellinus, an heathen writer, describing those times, relates of Julian the emperor,<sup>b</sup> “ That he ordered the Christian bishops and people that were at variance with each other, to come into his palace, and there admonished them, that they should every one profess his own religion, without hindrance or fear, whilst they did not disturb the public peace by their divisions; which he did for this reason, because as he knew their liberty would increase their divisions, he might now have nothing to fear from their being an united people; having found by experience, that even beasts are not so cruel to men, as the generality of Christians are to each other.

## CHAP. V.

### *The Opinion of some of the FATHERS concerning the Persecution of DISSENTERS.*

WHAT the opinions of those ancient doctors of the church, called Fathers, was, we may learn from their writings. Athanasius, in his epistle to the hermits, speaks in this manner of the Arians, and thus points out their persecutions against the orthodox:<sup>c</sup> “ That Jewish heresy hath not only learnt to deny Christ, but also to delight in slaughters. But even this was not sufficient to satisfy them. For as the father of their heresy goes about as a roaring lion, seeking whom to devour, so these, having liberty to go up and down, run about, and whomsoever they happen to meet with, who either blame their

<sup>a</sup> See also Hist. Tripart. b. 5. c. 32, and b. 4. c. 39.

<sup>b</sup> B. 22.

<sup>c</sup> Hist. Eccles. l. 7. c. 2. p. 821.

flight, or abhor their heresy, inhumanly tear them with scourges, or bind them with chains, or banish them from their native country."

In this and the like manner, Athanasius, whilst persecuted by the Arians, largely and pathetically argues, condemning persecution of every sort, upon the score of religion, and freely pronouncing it the invention of the devil. And yet we do not find, that this same Athanasius made the least intercession with the emperor Constantine, when the Nicene Synod was ended, to prevent the banishment of Arius and his followers; no, nor one single word to shew that he even disapproved of Arius's banishment; through a too common weakness of mind, whereby men are apt to think, that the same thing done to them by others would be most unjust, that would not be unjust in them to do to others.

Hilarius, against Auxentius the Arian, shews, with equal eloquence, his detestation of cruelty towards men differing in their religious sentiments. "And first, I cannot help pitying the misfortune of our age, and lamenting the absurd opinions of the present times; according to which, human arts must support the cause of God, and the church of Christ be defended by methods of secular ambition. I beseech you, O ye bishops, who believe yourselves to be such, what helps did the apostles make use of in propagating the gospel? What powers assisted them in preaching Christ, and converting all nations from idols to God? Had they any of the nobles from the palaces joined with them, when they sang hymns to God in prison and in chains, and after they had been cruelly scourged? Did Paul gather the church of Christ by virtue of the royal edict, when he himself was made a spectacle in the public theatre? Was the preaching of the divine truth protected by Nero, Vespasian, or Decius, which flourished by means of their very hatred to us?"

not how rose also taught the same doctrine. "The apostles are nations commanded to take rods in their hands, as Matthew writes, against a rod, but an ensign of power, and an instrument of the law, and an instrument of vengeance, to inflict pain? And, e, the disciples of an humble master, I say of an humble for in his humility his judgment was taken from him,

can only perform the duty he hath enjoined them by offices of humility: for he sent persons forth to sow the faith, who should not force men but teach them; not exercise power, but exalt the doctrine of humility.”<sup>a</sup> And a little after he adds: “When the apostles would have had fire from heaven, to consume the Samaritans, who would not receive our Lord Jesus into their city, he turned about and rebuked them, saying, ‘Ye know not what spirit ye are of; for the son of man is not come to destroy men’s lives, but to save them.’”

Gregory Narianzen evidently shews himself to be of the same sentiment, although he hath not handled this argument professedly: for having observed, that men were not easily and at once, but slowly and gradually, brought off from idolatry to the law, and from the law to the gospel; and having considered the reason of it, he thus speaks: “And why is it thus? Because we are to know, that men are not to be driven by force, but to be drawn by persuasion. For that which is forced is not lasting; this even the waves teach us, when they are repelled by violence; and the very plants, when bent contrary to their nature. That which is voluntary is both more lasting and safe. This is agreeable to the divine equity; the other an instance of tyranny.” So that he did not think it just even to do good to men against their will, or without their consent.

Optatus Milevitanus, writing against Parmenianus, the Donatist, vindicates the church from the charge of persecuting dissenters from it.

What was Chrysostom’s sentiment in this affair, he himself sufficiently declares in his sermon about excommunication, where he thus inveighs against those, who pronounced others accursed:—“I see men, who understand not the gentleness, nor indeed any thing of the sacred writings, who, proud by other things, I am not ashamed to own, are furious, quarrelsome, who know not what they say, nor would they affirm; bold and peremptory in this one thing, even in the articles of faith, and declaring accursed, things that are not so. Upon this account we have become the enemies of our faith, who look upon us as persons of power, regard to virtue, and never learnt to do good therefore

<sup>a</sup> Comment. in Luc. l. 7: in c. 10. master,

flicted and grieved for these things!" And afterwards, citing that place of St. Paul, "The servant of the Lord must not strive, but be gentle,"<sup>a</sup> &c. he goes on: "Entice him with the bait of compassion, and thus endeavour to draw him out from destruction, that being thus delivered from the infection of his former error, he may live, and thou mayest deliver thy soul. But if he obstinately refuses to hear, witness against him, lest thou become guilty; only let it be with long-suffering and gentleness, lest the Judge require his soul at thy hand. Let him not be hated, shunned, or persecuted, but exercise towards him a sincere and fervent charity."

St Jerome is of the same mind, who, in his sixty-second letter to Theophilus, against John of Jerusalem, thus speaks:—"The church of Christ was founded on the bloody sufferings and patience of its first professors, and not on their abusing and injuring others; it grew by persecutions, and triumphed by martyrdoms."



## CHAP. VI.

### ST. AUGUSTINE'S *Opinion concerning the Persecution of* HERETICS.

AUGUSTINE, in his former writings, condemned all violence upon the account of religion; for, writing against the fundamental epistle of Manichæus, he begins with this address to the Manichæans:—"The servant of the Lord ought not to strive, &c. It is, therefore, our business willingly to act this part. God gives that which is good to those who willingly ask it of him. They only rage against you, who know nothing of the labour that is necessary to find out truth, or the difficulty of avoiding errors. It is they who rage against you, who know not how uncommon and difficult it is to overcome carnal imaginations by the calmness of a pious mind. It is they who rage against you, who are ignorant how hard it is to heal the eye of the inward man, so that it can behold its Sun; not that sun whose

<sup>a</sup> 2 Tim. ii. 24, 25, 26.



celestial body you worship, and which irradiates the fleshly eyes of men and beasts, but that of which the prophet writes, ‘The sun of righteousness is risen on me;’ and of which we read in the Evangelist, ‘He was the true light which enlightens every man that cometh into the world.’ They rage against you, who know not that it is by many sighs and groans we must attain to a small portion of the knowledge of God. Lastly, they rage against you, who are not deceived with that error, into which they see you are fallen. But as for myself, I, who after long and great fluctuation, can at last perceive, what is that sincerity which is free from all mixture of vain fable, cannot by any means rage against you, whom I ought to bear with, as I was once borne with myself, and to treat you with the same patience that my friends exercised towards me, when I was a zealous and blind espouser of your error.

But afterwards, upon his sharp and long disputes with the Donatists; such is the fluctuation of the human mind, and with so much inconstancy, sometimes have the best feelings been associated, that he so far altered his opinion, as that he did not disapprove of, but was actually for inflicting all punishments, which did not cut off the hopes of repentance, i. e. all manner, death only excepted; that being terrified by them, they might be compelled to embrace the orthodox faith; which he hath shewn in a few words, in his second book of *Retractions*.<sup>a</sup> “I have two books entitled, *Against the Donatists*: In the first I declared, that I did not approve that schismatical persons should be compelled to communion by any secular power. The reason was, because I had not then experienced what great mischief would arise from their impunity, or how much good discipline would conduce to their conversion.

From some further passages it appears clear, that Austin approved of the punishment ordained by civil laws against the erroneous, as that they ought not to make wills, nor buy and sell, nor receive legacies, but that they should be sent into banishment. And to shew that he thought this punishment just upon the Donatists and Rogatians, he adds: “The terror of temporal powers, when it opposes the truth, is a glorious

trial to the good and resolute, but a dangerous temptation to the weak. But when it inculcates the truth upon the erroneous and schismatical, to ingenuous minds it is an useful admonition, but to the foolish it proves an unprofitable affliction." There is no power but what is of God, and he that resisteth the power, resisteth the ordinance of God: for princes are not a terror to them that do well, but to those who do ill. Wilt thou not therefore fear the power? Do well, and thou shalt have praise from it. "For if the power favouring the truth corrects any one, he who is made better by it hath praise from it: or if, in opposition to the truth, it rages against any one, he who is crowned conqueror hath praise from it. But as for thee, thou dost not well that thou shouldest not fear the power." And to make this appear, he largely refutes their opinions, and then thinks he hath evinced the justice of the persecution raised against them.

The only punishment he would have Heretics exempted from is death. Hence in his epistle to Cresconius the Grammarian,<sup>a</sup> he saith: "No good men in the Catholic church are pleased, that any one, even an Heretic, should be punished with death." But as to all other methods of persecution, Austin is so far from being against them, that he recommends them, as a remedy proper for the extirpation of Heresies. Hence in his first book against Gaudentius,<sup>b</sup> he says: "God forbid that this should be called persecuting men, when it is only a persecuting their vices, in order to deliver them from the power of them; just as the physician treats his distempered patient.

This then is the so much admired clemency of Austin, that he interceded with the proconsuls, that the Donatists should not be punished with death; whilst at the same time he not only approved of all other penalties except death, such as banishment, the denying them power to make wills, to inherit their patrimony, or to receive what was left them by others, of making contracts, buying and selling, and the like; but he himself accused them to the proconsuls, that if they persisted in these opinions, they might suffer these punishments.

<sup>a</sup> B. 3 cap. 50.<sup>b</sup> Cap. 5.

If any one will compare these things with the former opinion of Austin, he may justly cry out, Oh how much is Austin changed from himself, who mindful of his own former error, from which he was not recovered, but by the great patience of his friends, was against using methods of cruelty, even towards the Manichæans. But now he approves of all punishments against the Donatists, death only excepted, that they may be compelled into the Catholic church, even against their wills, under a pretence that at last they may voluntarily remain in her communion.

And indeed, all who since Austin have taught that Heretics are to be persecuted, and even punished with death, have made use of no authority more than Austin's; and to shew how highly they esteem his authority, they use his arguments as the very strongest, though in themselves absurd, and manifestly contrary to Scripture, to defend a doctrine so absolutely repugnant to the nature of Christianity. From him they have borrowed the distinction, that it is unlawful for Heretics to persecute the church, but the duty of the church to persecute Heretics. This is now become the common exception of all the murderers of Heretics, with which every one armed with the secular power, under a specious pretence, persecutes and oppresses those who differ from him: this is the principal argument by which the Papists defend themselves, when they would justify their own persecution of Heretics, and condemn all others that persecute them.

Thus we see, that Christians by this idle doctrine, have departed from their original simplicity and meekness; and that in the room of mutual love, by which all the faithful were of one heart and one soul, there have succeeded in the church of Christ, not only discords, contentions, hatreds and enmities, but slaughters, and the worst of cruel butcheries.

## CHAP. VII.

*The PERSECUTIONS of the POPES against HERETICS.*

IN the following ages the affairs of the church were so managed under the government of the Popes, and all persons so strictly curbed by the severity of the laws, that they durst not even so much as whisper against the received opinions of the church. Besides this, so deep was the ignorance that had spread itself over the world, that men, without the least regard to knowledge and learning, received with a blind obedience every thing that the ecclesiastics ordered them, however stupid and superstitious, without any examination; and if any one dared in the least to contradict them, he was sure immediately to be punished; whereby the most absurd opinions came to be established by the violence of the Popes. It was at this time that the doctrine of transubstantiation was introduced into the church, now, in every thing, subject to the Pope's controul; and how dangerous it was to oppose it, we may learn from the instance of Berengarius of Tours, archdeacon of Angiers, who, teaching that the bread and wine in the supper, was only the figure of the body and blood of the Lord, was condemned as an Heretic, by Leo IX. in a synod at Rome and Vercellæ, in the year 1050, and five years after, viz. 1055, was forced to recant, and to subscribe with his own hand to the faith of the Roman church, and confirm it with an oath, by Victor II. in the council of Tours. But as Berengarius's recantation was forced; and as he afterwards defended that opinion, which in his heart he believed, Nicolaus II. called a council at the Lateran, A. D. 1059, and there again condemned Berengarius, and compelled him to make a solemn abjuration, which Berengarius publicly read, and signed with his own hand. This was the famous abjuration, which begins, "Ego Berengarius." Thus was the truth suppressed by the papal violence. In the East also, A. D. 1118, one Basilus, the author of the sect of the Bongomili, was publicly burnt for Heresy by the command of Alexius Comnenus the emperor, as Baronius relates, A. D. 1118.<sup>a</sup>

<sup>a</sup> Sec. 27.



In the mean time the power of the Roman pontiff grew to a prodigious height, and began to be very troublesome, even to the emperors themselves, for not content with the ecclesiastical power, they claimed also the subjection of the secular. But in the midst of this thick darkness, some glimmerings of light broke forth through the great mercy of God.

For after the year of Christ, 1100, there arose various disputes between the emperors and popes, about the Papal power in secular affairs, which, as they were managed with great warmth, gave occasion to many more strictly to examine that unbounded power which the popes of Rome claimed to themselves. Some of the emperors bravely maintained their rights against the Papal encroachments, and were supported, not only by the arms and forces of generals and princes, but by bishops and divines, who strenuously wrote in their defence. This encouraged many others to oppose that unbounded authority, which the popes assumed in matters of faith, who not only argued that they were capable of erring, as well as the other bishops, but actually pointed out and censured their many errors and abuses of their unlimited power: all these the court of Rome branded with the infamous name of Heretics, and would have sacrificed to the public hatred.

They appeared first in some parts of Italy, but principally in Milan and Lombardy: and because they dwelt in different cities, and had their particular instructors, the Papists, to render them the more odious, have represented them as different sects, and ascribed to them as different opinions, though others affirm they all held the same opinions, and were entirely of the same sect. The truth is, that from the oldest accounts of them we shall find, that they did not all hold the same tenets, and were not of the same sect; though neither their opinions nor sects were so many and different as the Papists represent. The principal of them were Tanchelinus, Petrus de Buis, Petrus Abailardus, Arnaldus Brixianus, whose opinion Baronius calls the heresy of the politicians, Hendricus, and others, who preached partly in Italy, and partly in France, about the country of Thoulouse; and because afterwards the greater number of them propagated their opinions

in the province of Albigeois, in Languedoc, and gathered there large and numerous churches, who openly professed their faith ; they were stiled Albigenes.

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## CHAP. VIII.

### *Of the ALBIGENSES and WALDENSES.*

ABOUT the same time the Waldenses,<sup>a</sup> or the poor men of Lyons,<sup>b</sup> appeared at Lyons, whose original hath been largely shewn by the most reverend and learned Usher, Archbishop of Armagh, in his book *De Successione*, &c. I shall therefore only enquire, whether the Waldenses and Albigenes were the same people, according to the common opinion of Protestants, or different from one another. It cannot be doubted but that they had some opinions in common. But there is nothing more evident, than that there was amongst them a great variety of doctrines, and difference of rites and customs, as appears from the book of the sentences of the Inquisition at Tholouse, which I have published, in which are to be found many of the sentences pronounced against the Albigenes and Waldenses, which discover some very curious and uncommon things, concerning their doctrines and rites ; and which are such evident proofs of their difference in opinions and customs, that from the reading of a few lines, one may easily know whether the sentence pronounced was against the Albigenes or Waldenses ; which manifest difference hath induced me to believe that they were two distinct sects ; though I have hitherto been in the common opinion, that they were but one.

However, it is not to be doubted, but that oftentimes their enemies gave very vile and odious accounts of the doctrines they held ; as will appear by comparing the several places in

<sup>a</sup> An ecclesiastical term, signifying the inhabitants of the vallies.

<sup>b</sup> Being stripped of all their property, and reduced by persecution, to extreme poverty.

which they describe them. For the same opinion, which in one place appears extremely erroneous; in another, when it is more fully explained, and without spite, is harmless enough; of which the single instance of the resurrection of the dead is full proof. For sometimes the Albigenses are accused, that “they deny the resurrection of human bodies;” as though they quite denied the resurrection of the dead; which yet in another place is more distinctly explained thus, that “the dead shall rise with spiritual bodies.” And that their opinions have been misrepresented elsewhere, there can be no doubt, and it will appear upon a comparison of the several places, wherein they are recorded. But that the opinions of the Albigenses and Waldenses were very different, cannot be denied. For if they had held the same, no reason can be assigned, why different ones should have been ascribed to them. One would rather be inclined to believe, that as their persecutors greedily sought after every occasion to punish them, they would have fastened on every one of them all the heretical opinions of the Waldenses and Albigenses; that so, being burdened with numerous crimes, the inquisitors might seem to have the more just pretence for condemning them.

The popish writers, indeed, charge these people with many of the grossest crimes. It may however, be justly concluded, that many of those impious tenets that are ascribed by Baronius, Bzovius, and others, to the Albigenses and Waldenses, were invented out of mere hatred to them, and to render them detestable to the people; especially that impious opinion, which Eymericus<sup>a</sup> imputes to the Waldenses: “That it is better to satisfy a man’s lust by any act of uncleanness whatsoever, than to be perpetually burning; and that (as they say and practice) it is lawful in the dark for men and women to lie promiscuously with one another, whensoever, and as often as they have the inclination and desire.”<sup>b</sup> For if this had been their tenet, would there

<sup>a</sup> Direct. Inquis. par. 2 quæs. 14.

<sup>b</sup> The extreme injustice of this imputation is evident from the apology of those oppressed people, in which they deliver their sentiments on this subject in the following striking words: “It was this vice that led David to procure the death of his faithful servant, that he might enjoy his wife;—and Amnon to



not have been one of that vast number of prisoners, that they condemned to such various punishments, to be found, that was infected with it? Or, if it could have been proved upon them, was the equity, humanity, and compassion of the inquisitors so very great, as to have concealed a crime, that would have been condemned by the common voice of mankind, and exposed those that were guilty of it to the most severe punishment and death? Would they, by such a method of acting, have given the world occasion to censure them for persecuting, and cruelly punishing men merely for the sake of holding opinions different from the Roman faith, though consistent with a due regard to a good conscience, when at the same time they might have accused them of so horrid an impiety? If they had been really such execrable persons, their crimes ought to have been publicly exposed; and thus they themselves would have sunk under the weight of infamy, and their prosecutors would have been so far from being charged as bloody inquisitors, that they would have deserved universal applause.

Hence we may learn what credit is to be given to popish writers, when they give us an account of the opinions and practices of those they call Heretics. It is their way to charge all that separate from their communion with impurity and lust, as though the only cause of their leaving the communion of the church of Rome, was a dishonourable and vile love of women; and they have most impudently dared to reproach with this vice, persons who have been remarkable for their chastity and continence. In the mean while, nothing is more notorious, than that their monks and priests, who are forbid the remedy of a chaste and honourable matrimony, abandon themselves without shame to the most impure embraces, and infamously wallow in carnal

defile his sister Tamar. This vice consumes the estates of many, as it is said of the prodigal son, who wasted his substance in riotous living. Balaam made choice of this vice to provoke the children of Israel to sin, which occasioned the death of twenty-four thousand persons. This sin was the occasion of Samson's losing his sight—it perverted Solomon,—and many have perished through the beauty of a woman. The remedies for this sin are fasting, prayer, and keeping at a distance from it; other vices may be subdued by fighting, in this we conquer by flight, of which we have an example in Joseph.—Perrins Hist. Ch. iv. in Jones's Waldenses.



pleasures. Erasmus,<sup>a</sup> says ; “ There is a certain German bishop, who declared publicly at a feast, that in one year he had brought to him 11000 priests that openly kept women:” for they pay annually a certain sum to the bishop. This was one of the hundred grievances that the German nation proposed to the Pope’s nuncio at the convention at Nuremberg, in the years 1522 and 1523. Grievance 91. “ That the bishops in most places, and their officials, not only suffer the priests to keep women, so they pay a certain sum of money, but even force the chaster priests, who live without women, to pay the price of those that keep them; alledging, that the bishop wants money, and that those priests who pay it may either remain single, or keep women as they please. How wicked a thing this is, every one understands.”! The same Erasmus, in his account of the errors of Bedda,<sup>b</sup> hath the following passage; “ What wonder if some nuns in the age of St. Austin are said to have married, when in this age, there are said to be so many monasteries that are nothing better than public stews, and more that are private ones. Even in those where the rules are more strict, there are many instances of impurity. This I relate with grief, and I wish it was not true.” And a little after; “ I know some, that have buried in the monasteries the girls they have seduced, that the affair might be hushed up. And<sup>c</sup> Bedda,” says he, “ cries out gloriously, God forbid, God forbid, that any man should be admitted to the dignity of the priesthood, who doth not wholly deny himself carnal embraces, though at this day there are some to be found who keep fifty women, not to add any thing worse.” And<sup>d</sup> concerning the prohibition of flesh: “ amongst the priests, how scarce is the number that live chaste? I speak of those who keep publicly at home their women, instead of wives; for I will not mention the mysteries of their more secret crimes: I speak of those things only that are well known to every one.” But the instance he gives,<sup>e</sup> is yet more execrable: That a certain Dominican professor of divinity, whose name was John,

<sup>a</sup> Tom. 9. page 401.

<sup>b</sup> Tom. 9. page 484.

<sup>c</sup> Page 569.

<sup>d</sup> Page 985.

<sup>e</sup> Page 1380.

mentioned to him at Antwerp, in the house of Nicholas of Middlebourg, a physician, a divine of Lovain, who told him, that he refused to give absolution to a certain confessor of the Nuns, because he had acknowledged he had had criminal familiarity with 200 of them. But what need is there of producing testimonies out of particular authors? The very laws of the Inquisition, which ordain punishments for those priests, who solicit not only women, but, what is much more horrible, even boys, in the sacrament of confession, are an undeniable proof that these crimes are too frequent and common in that state of impure celibacy.<sup>a</sup> So that, having their own minds insnared with the lusts of the flesh, and *their eyes*,

<sup>a</sup> If those who prescribe celibacy mean to consider that as chastity which consists merely in not supporting a wife, and not contributing to the population of the state, by becoming fathers and instructors of children; if they call that chastity, which has prescribed celibacy to them, in order that they may be free from the troubles and cares of a family, which impel most men to greater assiduity and economy in their domestic affairs, and, of course, constitutes a kind of life more active, regular, and virtuous, we may, in these cases, certainly allow that they practise chastity. But if we are to understand the word chastity in the same sense as the ecclesiastics consider it in their pulpits, then the justice of their claim to chastity may very easily be decided, by the experience and knowledge almost every one must have of ecclesiastical virtues. I should be ashamed to relate the proofs which I could produce from history, on this point, without going further than the lives of the popes, who, it might be presumed, should have been equally exalted in virtue as in dignity. Alexander VI. alone would furnish me with superabundant particulars.

But least it might be said, that the corruption of the ecclesiastics in our times has nothing to do with the purity of those fathers who established the celibacy of the clergy, it will be proper to observe, that when the general council of Constance was celebrated, in 1444, no picture of the virtuous paradise of Jesus Christ was to be observed in that city; on the contrary, the city of Constance presented a perfect image of Mahomet's paradise. Spanenberg says,\* that the city of Constance was then honoured by the presence of 345 archbishops and bishops, 564 abbots and doctors, and 7000 prostitutes! who followed the fathers of the council; without reckoning the concubines, whom the same holy fathers had about their persons. It is clear, that if these tenacious defenders of celibacy had been married, these prostitutes would not have followed them. But—oh inconsistency!—in this very council the celibacy of the clergy was definitively decreed.

Da Costa's Narrative, v. i. 116.

\* Epist. ad. Cor. p. 252.

as the scripture expresses it, *full of adultery*, like the generality of mankind, they judge of others by themselves, and insinuate that the only, at least the chief cause of forsaking the church of Rome, is the immoderate love of women: whereas, if they were not actuated by the principles of a good conscience, but from impure inclination, they might with much more safety abide in the communion of the church of Rome, where they have daily occasions offered to them of fulfilling the lusts of the flesh: and where they have nothing to fear, even from the bloody tribunals of the Inquisition. This for once to refute the calumnies of the Papists, who, whenever they are giving an account of the rise of any of those they call Heretics, are perpetually repeating this charge against them. But to return to our purpose:

As to the question whether the Albigenes and Waldenses, were one or two different sects. To speak my own mind freely, they appear to me to have been two distinct ones; and that they were entirely ignorant of many tenets, that are now ascribed to them. Particularly the Waldenses<sup>a</sup> seem to

<sup>a</sup> Omitting the fables of the Popish writers respecting this persecuted people, it may be acceptable to extract a confession of their faith, from a late publication, intitled, “The History of the Waldenses,” by W. Jones,—a work of much curious research, and well worthy the attention of the reader.—This confession is better than a thousand arguments, and whilst it proves that God has his jewels in every age of the world, shews, with the evidence of a sun beam, that the Inquisition, whatever its pretences, persecuted nothing so cruelly, as that which most resembled true religion; it reads thus:

1. We believe and firmly maintain all that is contained in the twelve articles of the symbol, commonly called the apostles’ creed, and we regard as heretical whatever is inconsistent with the said twelve articles.

2. We believe that there is one God,—Father, Son, and Holy Spirit.

3. We acknowledge for sacred canonical scriptures the books of the holy Bible. (Here follows the title of each, exactly conformable to our received canon, but which it is deemed, on that account, unnecessary to particularize.)

4. The books above mentioned teach us—That there is ONE GOD, almighty, unbounded in wisdom, and infinite in goodness, and who, in his goodness, has made all things. For he created Adam after his own image and likeness. But through the enmity of the devil and his own disobedience, Adam fell, sin entered into the world, and we became transgressors in and by Adam.

have been plain men, of mean capacities, unskilful and unexperienced; and if their opinions and customs were to be examined without prejudice, it would appear, that amongst all

5. That Christ had been promised to the fathers who received the law, to the end, that, knowing their sin by the law, and their unrighteousness, and insufficiency, they might desire the coming of Christ to make satisfaction for their sins, and to accomplish the law by himself.

6. That at the time appointed of the Father, Christ was born—a time when iniquity every where abounded, to make it manifest that it was not for the sake of any good in ourselves, for all were sinners, but that He, who is true, might display his grace and mercy towards us.

7. That Christ is our life, and truth, and peace, and righteousness—our shepherd and advocate, our sacrifice and priest, who died for the salvation of all who should believe, and rose again for our justification.

8. And we also firmly believe, that there is no other mediator, or advocate with God the Father, but Jesus Christ. And as to the virgin Mary, she was holy, humble, and full of grace; and this we also believe concerning all other saints, namely, that they are waiting in heaven for the resurrection of their bodies at the day of judgment,

9. We also believe, that, after this life, there are but two places—one for those that are saved, the other for the damned, which [two] we call paradise and hell, wholly denying that imaginary purgatory of antichrist, invented in opposition to the truth.

10. Moreover, we have ever regarded all the inventions of men (in the affairs of religion) as an unspeakable abomination before God; such as the festival days and vigils of saints, and what is called holy-water, the abstaining from flesh on certain days, and such like things, but above all, the masses.

11. We hold in abhorrence all human inventions as proceeding from antichrist, which produce distress,\* and are prejudicial to the liberty of the mind.

12. We consider the sacraments as signs of holy things, or as the visible emblems of invisible blessings. We regard it as proper and even necessary that believers use these symbols or visible forms when it can be done. Notwithstanding which, we maintain that believers may be saved without these signs, when they have neither place nor opportunity of observing them.

13. We acknowledge no sacraments (as of divine appointment) but baptism and the Lord's supper.

14. We honour the secular powers, with subjection, obedience, promptitude, and payment.†

\* Alluding probably to the voluntary penances and mortifications imposed by the catholics on themselves.

† Perrin, *Hist. des Vaudois*, chap. xii. in Jones's *Waldenses*, second edit. v. 2. 46.



the modern sects of Christians, they bare the greatest resemblance to that of the Memnonites.



## CHAP. IX.

### *Of the PERSECUTIONS against the ALBIGENSES and WALDENSES.*

IT was the entire study and endeavour of the popes, to crush, in its infancy, every doctrine that any way opposed their exorbitant power.<sup>a</sup> In the year 1163, at the synod of Tours, all the bishops and priests in the country of Tholouse, were commanded “to take care, and to forbid, under the pain of excommunication, every person from presuming to give reception, or the least assistance to the followers of this heresy, *which first began in the country of Tholouse*, whenever they shall be discovered. Neither were they to have any dealings with them in buying or selling; that by being thus deprived of the common assistances of life, they might be compelled to repent of the evil of their way. Whosoever shall dare to contravene this order, let them be excommunicated, as a partner with them in their guilt. As many of them as can be found, let them be imprisoned by the Catholic princes, and punished with the forfeiture of all their substance.”

Some of the Waldenses, coming into the neighbouring kingdom of Arragon, king Ildefonsus, in the year 1194, put forth, against them, a very severe and bloody edict, by which “he banished them from his kingdom, and all his dominions, as enemies of the cross of Christ, prophaners of the Christian religion, and public enemies to himself and kingdom.”<sup>b</sup> He adds: “if any, from this day forwards, shall presume to receive into their houses, the aforesaid Waldenses and Inzabbatati, or other heretics, of whatsoever profession they be, or to hear, in any place, their abominable preachings, or to give them food, or to do

<sup>a</sup> Baron. sec. 18. N. 4.

<sup>b</sup> Pegna in Eymeric. p. 2. com. 39. Bzovius, a. 1199. sec. 38.

them any kind office whatsoever; let him know, that he shall incur the indignation of Almighty God and ours; that he shall forfeit all his goods, without the benefit of appeal, and be punished as though guilty of high treason, &c. Let it be farther observed, that if any person, of high or low condition, shall find any of the before-mentioned accursed wretches, in any part of our dominions, who hath had three days notice of this our edict, and who either intends not to depart at all, or not immediately, but who contumaciously stays, or travels about; every evil, disgrace, and suffering that he shall inflict on such person, except death or maiming, will be very grateful and acceptable to us; and he shall be so far from incurring any punishment upon this account, that he shall be rather entitled to our favour. However, we give these wicked wretches liberty till the day after All Saints (though it may seem contrary to justice and reason) by which they must be either gone from our dominions, or upon their depariure out of them: but afterwards they shall be plundered, whipped, and beat, and treated with all manner of disgrace and severity."

Nor did they act with less severity against heretics in Orvieto. Peter Parentius, the prefect, declared, and that publicly, to a large assembly,<sup>b</sup> "That whosoever, within an appointed day, would come back to the church, which never shuts her bosom to those who return, and obey the commands of the bishops, should obtain pardon and favour; but that whosoever should refuse to return by the appointed day, should be subject to the punishment enacted by the laws and canons." But what this favour was, is described in the public records of that church, in these words: "But the bishop, inflamed against the Manichæans, received, with a pastoral concern, the confession of the heretics, returning from their heresy to the Catholic unity, and presented them to the præfect. Some of these he bound in iron chains, others he caused to be publicly whipped, others he miserably banished out of the city, others he fined, who were true penitents on account of the money they lost; from others he took large securities, and pulled down the

<sup>a</sup> Raynald. a. 1199, sec. 23. 24.

houses of many more: so that the governor of the city, walking after the royal pattern, turned aside neither to the left hand nor to the right." To this account Raynaldus adds: "These things did this new Phineas, burning with an holy zeal, for the Catholic faith, this year in the time of Lent."<sup>a</sup> But he was a little after killed by the heretics.

About the year 1200, Pope Innocent III. wrote to several archbishops and bishops in Guienne, and other provinces of France, that they should banish the Waldenses, Puritans, and Paterines,<sup>b</sup> from their territories; and sent thither the friars Reyner and Guido, the founder of the order of Hospitallers, to convert heretics; commanding the bishops, that those who would not be converted, should be banished; that they should humbly receive, and inviolably observe, whatever friar Reyner should ordain against hereticks, their favourers and defenders.<sup>c</sup> He commanded also the princes, earls, &c. that those heretics, who should be excommunicated as impenitent, by friar Reyner, should be adjudged to forfeiture of their estates, and banishment; that if, after this interdict, they should be found in their dominions, they should proceed more severely against them, as became Christian princes. He gave, moreover, full power to Reyner, to compel the princes to this work, under pain of excommunication, and interdict of their dominions, without appeal; and commanded him not to delay to publish the sentence of excommunication against the receivers of excommunicated heretics. And to conclude, he exhorts the people to give all assistance, when required, against heretics, to the friars Reyner and Guido, and grants to all who should stand by them faithfully and zealously, the same indulgence of sins, which is used to be granted to those who visited the threshold of St. Peter or St. James. The next year following, he commanded the archbishops of Aix and Metz, and others, with some abbots, that they should examine the poor men of Lyons, and

<sup>a</sup> Raynald. a. 1199, sec. 23.

<sup>b</sup> Some of the sectaries of the Waldenses; they called themselves *Paterines*, after the example of the martyrs, who suffered martyrdom for the Catholic Faith; because they, like them, were *expositos passionibus*, exposed to sufferings. Du Fresne Glossar. Med. et inf. Lat. in voce.

<sup>c</sup> Bzovius, a, 1198. sec. 6. Raynald. sec. 37.

others, concerning the orthodox faith;<sup>a</sup> and as they found the matter, should give him full information by messenger or letters, that being thus more fully informed by them, he might know the better how to proceed against them. He made also the most severe laws for the extirpation of heresy,<sup>b</sup> which are contained in his letters to the citizens of Viterbo, some of whom had been infected with heresy.<sup>c</sup>

<sup>a</sup> Bzovius, 1199, sec. 21.

<sup>b</sup> Raynald. a. 1199, sec. 27.

This oppressed and unoffending people were continually the objects of papal cruelty. The following affecting account of the persecution in 1655, is one out of many instances which might be adduced; it is from the pen of the sufferers, addressed to their Christian friends.

#### BRETHREN AND FATHERS,

OUR tears are no more tears of water but of blood, which not only obscure our sight, but oppress our very hearts. Our pen is guided by a trembling hand, and our minds distracted by such unexpected alarms, that we are incapable of framing a letter which shall correspond with our wishes, or the strangeness of our desolations. In this respect, therefore, we plead your excuse, and that you would endeavour to collect our meaning from what we would impart to you.

Whatever reports may have been circulated concerning our obstinacy, in refusing to have recourse to his royal highness for a redress of our heavy grievances and molestations, you cannot but know that we have never desisted from writing supplicatory letters, or presenting our humble requests, by the hands of our deputies, and that they were sent and referred, sometimes to the council *de propaganda fide*, at other times to the Marquis de Pionessa; and that the three last times they were positively rejected, and refused so much as an audience, under the pretext, that they had no credentials nor instructions which should authorise them to promise or accept, on the behalf of their respective churches, whatever it might please his highness to grant or bestow upon them. And by the instigation and contrivance of the Roman clergy, there was secretly placed in ambush an army of six thousand men, who, animated and encouraged thereto, by the personal presence and active exertions of the Marquis of Pionessa, fell suddenly, and in the most violent manner, upon the inhabitants of S. Giovanni and La Torre.

This army having once entered and got a footing, was soon augmented by a multitude of the neighbouring inhabitants throughout all Piedmont, who, hearing that we were given up as a prey to the plunderers, fell upon the poor people with impetuous fury. To all those were added, an incalculable number of persons that had been outlawed, prisoners, and other offenders, who expected thereby to have saved their souls and filled their purses. And the better to effect their purposes, the inhabitants were compelled to receive *five or six regiments of the French army*, besides some Irish, to whom, it is reported,



## CHAP. X.

*Of DOMINICUS, and the first Rise of the Thoulouse INQUISITION.*

THE office of proceeding against heretics, was at first committed to the bishops, to whom the government and care of the churches was entrusted, according to the received

our country was promised, with several troops of vagabond persons, under the pretext of coming into the vallies for fresh quarters.

The great multitude, by virtue of a license from the Marquis of Pionessa, instigated by the monks, and enticed and conducted by our wicked and unnatural neighbours, attacked us with such violence on every side, especially in Angrogne, Villaro, and Bobio; and in a manner so horribly treacherous, that in an instant all was one entire scene of confusion, and the inhabitants, after a fruitless skirmish to defend themselves, were compelled to flee for their lives, with their wives and children; and that not merely the inhabitants of the plain, but those of the mountains also. Nor was all their diligence sufficient to prevent the destruction of a very considerable number of them. For, in many places, such as Villaro and Bobio, they were so hemmed in on every side, the army having seized on the fort of Mareburg, and by that means blocked up the avenue, that there remained no possibility of escape, and nothing remained for them but to be massacred and put to death. In one place, they mercilessly tortured not less than an hundred and fifty women and their children, chopping off the heads of some, and dashing the brains of others against the rocks. And in regard to those whom they took prisoners, from fifteen years old and upwards, who refused to go to mass, they hanged some, and nailed others to the trees by the feet, with their heads downwards. It is reported, that they carried some persons of note prisoners to Turin, viz. our poor brother and pastor, Mr. Gros, with some part of his family. In short, there is neither cattle nor provisions of any kind left in the valley of Lucerne;—it is but too evident that all is lost, since there are some whole districts, especially S. Giovanni and La Torre, where the business of setting fire to our houses and churches was so dexterously managed, by a Franciscan friar and a certain priest, that they left not so much as one of either unburnt. In these desolations, the mother has been bereft of her dear child—the husband of his affectionate wife! Those who were once the richest amongst us, are reduced to the necessity of begging their bread; while others still remain weltering in their own blood, and deprived of all the comforts of life. And as to the churches of S. Martino and other places who, on all former occasions, have been a sanctuary to the persecuted, they have themselves now been summoned to quit their dwellings, and every soul of them to depart, and that instantaneously, and without respite, under pain of being put to death. Nor is there any mercy to be expected by any of them, who are found within the dominions of his royal highness.

decrees of the church of Rome. But inasmuch as their number did not seem sufficient to that court, or because they were too negligent in the affair, and did not proceed with that fury against heretics as the pope would have had them; therefore, that he might put a stop to the increasing progress of heresies, and more effectually extinguish them, about the year of our Lord, 1200, he founded the order of the Dominicans and Franciscans, that they might preach against heresies. Dominic and his followers were to this end sent into the country of Tholouse, where he preached, with great vehemence, against the heretics that were arisen there; from whence his order hath obtained the name of preachers, or predicants. Father Francis, with his disciples, battled it with the heretics of Italy. They were both commanded by the pope, to excite the Catholic princes and people to extirpate heretics; and in all places to inquire out their number and quality, and also the zeal of the Catholics and bishops in their extirpation; and to transmit a

The pretext which is alleged for justifying these horrid proceedings is, that we are rebels against the orders of his highness, for not having brought the whole city of Geneva within the walls of Mary Magdalene church; or in plainer terms, for not having performed an utter impossibility, in departing, in a moment, from our houses and homes in Bubbiana, Lucerne, Fenile, Bricheras, La Torre, S. Giovanni, and S. Seeondo; and also, for having renewed our repeated supplications to his royal highness, to commiserate our situation, who, while on the one hand he promised us permission to depart peaceably out of his dominions, which we have often entreated him for, in case he would not allow us to continue and enjoy the liberty of our consciences, as his predecessors had always done. True it is, that the Marquis of Pionessa adduced another reason, and we have the original copy of his writing in our possession, which is, that it was his royal highness's pleasure to abase us and humble our pride, for endeavouring to shroud ourselves, and take sanctuary, under the protection of foreign princes and states.

To conclude, our beautiful and flourishing churches are utterly lost, and that without remedy, unless our God work miracles for us. Their time is come, and our measure is full? O have pity upon the desolations of Jerusalem, and be grieved for the afflictions of Joseph! Shew forth your compassions, and let your bowels yearn in behalf of so many thousands of poor souls, who are reduced to a morsel of bread, for following the Lamb whithersoever he goeth. We recommend our pastors, with their scattered and dispersed flocks, to your fervent christian prayers, and rest in haste,

Your brethren in the Lord.

*April 27, 1655.*

faithful account to Rome. Hence they were called Inquisitors.

It is evident that the first Inquisitors were Dominican friars, or of the order of Predicants; but it is not so certain what year the Inquisition itself was first introduced. Dominic, as hath been said, was sent into the country of Tholouse, or Gallia Narbonensis;<sup>d</sup> he, as Bertrand relates,<sup>d</sup> in his account of the affairs of Tholouse, whom Usher cites, first lodged in the house of a certain nobleman, to whom belonged the house of the Inquisition at Tholouse, near the castle of Narbonne; and finding him sadly infested with heresy, Father Dominic, Inquisitor of the Faith, reduced him to the path of truth; upon which, he devoted himself and his house, to St Dominic and his order: which house hath ever since belonged to the Inquisition, and the Dominican order. From hence we may gather, that Dominic was the first Inquisitor; and that the Inquisition was first introduced into Tholouse: but as to the year when, writers differ; some referring it to the year of Christ, 1212, others to 1208, and others to 1215. This is certain, and agreed to by all, that it began under the papacy of Innocent III. and that Dominic was appointed the first Inquisitor in Gallia Narbonensis: but whether he received his office of Inquisitor from Arnaldus, abbot of Cisteaux, legate of the apostolic see, in France, or immediately from the pope, is disputed by the popish writers. Those who endeavour to reconcile the difference say, that Dominic was first appointed Inquisitor by the legate, and afterwards confirmed by the pope himself. Ludovicus a Paramo<sup>e</sup> seems to be of the same opinion; for he says, that father Dominic first discoursed of his design, to introduce the Inquisition, to the abbot of Cisteaux, at that time apostolic legate in France; and that the abbot appointed him Inquisitor, at the same time referring the affair to the pope. After this he was confirmed in the office by a cardinal legate in

<sup>a</sup> De Succes. Eccles. in Occidente, cap. 9. sec. 9.

<sup>b</sup> That part of France, which anciently contained the provinces of Savoy, Dauphine, Province, and Languedoc.

<sup>c</sup> De Succes. Eccles. in Occidente, lib. 2. tit. 1. cap. 1. n. 13.



that kingdom ; and at length, after the conclusion of the Lateran council, Ann. 1216, he was made Inquisitor by authority of the pope's letters, a copy of which some authors affirm they have actually seen.

“ When Dominic had received these letters,<sup>a</sup> upon a certain day, in the midst of a great concourse of people, he declared openly in his sermon, in the church of St. Prullian, that he was raised to a new office by the pope ; adding, that he was resolved to defend, with his utmost vigour, the doctrines of the faith ; and that if the spiritual and ecclesiastical arms were not sufficient for this end, it was his fixed purpose to call in the assistance of the secular arm, to excite and compel the catholic princes to take arms against heretics, that the very memory of them might be entirely destroyed.” It evidently appears that Dominic was a bloody and cruel man. This is more than obscurely intimated by the Dominican, Camillus Campegius, Inquisitor General of Ferrara, who, after having recited the letters of Dominic, in which he declares the penances he enjoined to Pontius Rogerii, adds : “ I have the more willingly annexed to this treatise of punishments these letters of St. Dominic our father, who first exercised the office of inquisitor, that all may be able to make a comparison between the ancient severity made use of to stop the progress of these crimes, and the present moderation and tenderness of this holy tribunal.” These letters he wrote, as Ludovicus a Paramo observes, when as yet he acted as inquisitor only by the authority of the abbot of Cisteaux, and these letters Paramus produces to prove, that Dominic assumed this office, from a resolution to punish heretics with such severity, as that, by the fear of punishment, he might deter others from the like wickedness. He was born in Spain in the village Calaroga, in the diocese of Osma. His mother, before she conceived him, is said to have dreamed, that she was with child of a whelp, carrying in his mouth a lighted torch ; and that after he was born, he put the world in an uproar by his fierce barkings, and set it on fire by the

<sup>b</sup> Ibid. cap. 2. n. 4.

<sup>a</sup> De Succes. Eccles. in Occidente, lib. lib. 2. tit. 1. cap. 20.

<sup>b</sup> Zanchini.

<sup>c</sup> Ibid. lib. 2. tit. 1. cap. 2. n. 5.



torch that he carried in his mouth. His followers interpret this dream of his doctrine, by which he enlightened the whole world; whereas others, if dreams presage any thing, think that the torch was an emblem of that fire and faggot, by which an infinite multitude of men were burnt to ashes.

In the beginning the inquisitors had no proper tribunal; they only enquired after heretics, their number, strength, and riches. After they had detected them, they informed the bishops, who then had the sole power of judging in ecclesiastical affairs, and sometimes urged them, that they should anathematize, and otherwise punish the heretics they had discovered to them. Sometimes they stirred up princes to take arms against heretics; sometimes the people. Such of them as engaged in this work they signed with the cross, and encouraged them in their expeditions against heretics. Farther than this, Dominic, who was of a bloody fierce temper, that he might the more effectually extirpate all heresy, invented a method, how, under the appearance of mercy and tenderness, he might exercise the most outrageous cruelty, viz. the laying some certain punishments, by way of wholesome penance, upon such as were converted to the Roman faith, that being thus converted, they might be freed from excommunication.<sup>a</sup> For what could carry a greater appearance of

<sup>a</sup> The following is a curious specimen of this priestly domination.

Brother Dominic, the least of preachers to all Christ's faithful people, to whom these presents shall come, greeting, in the Lord :

By the authority of the Cistercian abbot, who hath appointed us this office, we have reconciled the bearer of these presents, Pontius Rogerius, converted by God's blessing from his heretical sect, charging and requiring him, by the oath which he hath taken, that three Sundays, or three festival days, he be led by a priest, naked from his shoulders down to his drawers, from the coming into the town unto the church doors, being whipt all the way. We also enjoin him, that he abstain at all times from meat, eggs, cheese, and all things that proceed from flesh, except on the days of Easter, Whitsuntide, and Christmas, on which days we command him to eat flesh for a denial of his former error. We will that he keep three lents in one year, abstaining even from fish: and that he fast three days every week always, refraining from fish, oil, and wine, except bodily infirmity, or hard labour in harvest time require a dispensation. We will have him wear friar's coats, with two small crosses sown on his two breasts. Let him

mercy, than to absolve and receive into communion, those heretics that returned to the church, and voluntarily subjected themselves to a wholesome penance? But the truth is, that this was the height of cruelty: for they submitted to such penances, not from conviction and choice, but for fear of a more terrible punishment. For the fire and faggot and other punishments were ready prepared for such as were not converted; and all that refused to submit to these penances, were pronounced excommunicate, convict, and obstinate heretics, and as such turned over to be punished by the secular court. Besides, these wholesome penances were attended with the greatest miseries to the penitents; for either they were condemned to perpetual imprisonment, there to wear out a wretched life with the bread and water of affliction, or were marked on their back and breast with crosses, that by these signs of infamy, they might be exposed to the reproaches and abuses of all men; and were withal publicly whipped before the people, either in the open street, or in the church, and commanded many other things, under the specious name of penance; that by this severity, which the penitents were forced voluntarily to submit to, there might be an appearance of mercy in their case, and that all others might be deterred from heresy.

every day hear mass if opportunity may serve, and on all holidays let him go to vespers to church. He shall observe all the other canonical hours by day and by night, wherever he be, and shall then say his orisons, that is, seven times a day he shall say ten paternosters together, and twenty at midnight. Let him altogether abstain from his wife, and every first day of the month let him shew these our letters to the curate of the town of Cervium, whom we command diligently to observe what kind of life this bearer leads; whom, if he should neglect to observe these our injunctions, we declare to be perjured and excommunicated, and will have him taken for such.

## CHAP. XI.

*Of the Wars against the RAYMONDS, Father and Son, Earls of THOLOUSE.*

IN the mean while the pope, being intent on the extirpation of heretics, excited all the princes, that they should not yield them any refuge in their dominions, but oppress them with all their force. His principal care was to expel them from the country of Tholouse, where the Albigenses were very numerous. He was perpetually pressing Raymond, Earl of Tholouse, to banish them from his dominions; and when he could not prevail with him, either to drive out so large a number of men, or to persecute them, he ordered him to be excommunicated as a favourer of heretics. He also sent his legate, with letters to many of the prelates, commanding them to make inquisition against the heretical Albigenses in France, and to destroy them, and convert their favourers. He also wrote to Philip, king of France, commanding him to take arms against them, and use his utmost efforts to suppress them, that by his obedience he might prove, that he himself was not tainted by their errors.

With the pope's legate there came also twelve abbots of the Cistercean order, preaching the cross against the Albigenses, and promising, by the authority of Innocent, a plenary remission of all sins, to those who took on them the crusade. These abbots were joined by Dominic.

But because even these cross-bearers did not fight against the heretics with that continued zeal and fury, that the pope and Dominic would have had them, the Dominicans excited larger numbers to engage in this warfare, by the hopes of a plenary indulgence. The text which their preachers used to choose for this purpose, was from Psal. xciv. 16.\* “Who will rise up for me against the evil doers? Or, who will stand up for me against the workers of iniquity?” And as they

\* Usser. de Suc. cap. 9. § 5.

directed their whole sermons to their own cruel purpose, they generally thus concluded: "You see, most dear brethren, how great the wickedness of the heretics is, and how much mischief they do in the world. You see also how tenderly, and by how many pious methods the church labours to reclaim them. But with them they all prove ineffectual, and they fly to the secular power for their defence. Therefore our holy mother the church, though with reluctance and grief, calls together against them the Christian army. If then you have any zeal for the faith, if you are touched with any concern for the honour of God, if you would reap the benefit of this great indulgence, come and receive the sign of the cross, and join yourselves to the army of 'the crucified Saviour.'" There was indeed this difference between those who took up the cross against the Saracens, and those who did it against the heretics, that the former wore it on their backs, and the latter on their breasts. And that their zeal might by no means grow cool, there were certain Synodical decrees made by the authority of the pope, by which the presbyters were enjoined continually to excite and warm it.<sup>a</sup> "Let the presbyters continually and affectionately exhort their parishioners that they arm themselves against the heretical Albigenses. Let them also enjoin, under the pain of excommunication, those who have taken the cross, and not prosecuted their vow, that they retake the cross and wear it."

Raymond, Earl of Tholouse,<sup>b</sup> not being in the least diverted from his purpose by the sentence of the legate, who having consulted with Dominic, had forbid him,<sup>c</sup> as a favourer of heretics, the communion of holy things, and of the faithful, was excommunicated by a bull of Innocent himself, as a defender of heretics, and all his subjects absolved from their oath of allegiance; and power was given to any catholic man, though without prejudice to the right of the supreme lord, not only to act against his person, but to seize and detain his country; under this pretence chiefly, that it might be effectually purged from heresy by the prudence of the one, as it

<sup>a</sup> Usser. *ibid.* cap. 10. § 23.

<sup>b</sup> Raynold, A. 1208. § 15, &c.

<sup>c</sup> Bzovius, A. 1208. § 3, 4



had been grievously wounded and defiled by the wickedness of the other.

The earl,<sup>g</sup> frightened by this sentence, and especially by the terrible expedition of the cross-bearers against him, promised obedience, and sought to be reconciled to the church; but could not obtain it without delivering up to the legate seven castles in his territories for security of performance, and unless the magistrates of Avignon, Nismes, and Agde, had interceded for him, and bound themselves by an oath, that if the earl should disobey the commands of the legate, they would renounce their allegiance to him. It was farther added, that the country of Venaiscin should return to the obedience of the church of Rome.<sup>f</sup> The manner of the reconciliation of the Earl of Tholouse, was, according to Bzovius, thus: “The earl was brought before the gates of the church of St. Agde, in the town of that name. There were present more than twenty archbishops and bishops, who were met for this purpose. The earl swore upon the holy body of our Lord Jesus Christ, and the relics of the saints, which were exposed with great reverence before the gates of the church, and held by several prelates, that he would obey the commands of the holy Roman church. When he had thus bound himself by an oath, the legate ordered one of the sacred vestments to be thrown over his neck, and drawing him thereby, brought him into the church, and having scourged him with a whip, absolved him. Nor must it be omitted, that when the said earl was brought into the church, and received his absolution as he was scourging, he was so grievously torn by the stripes, that he could not go out by the same place through which he entered, but was forced to pass quite naked as he was through the lower gate of the church. He was also served in the same manner at the sepulchre of Peter the martyr at New Castres, whom the earl had caused to be slain.”

However, the vast army of the cross-bearers was not idle after the reconciliation of the Earl of Tholouse, but every where attacked the Heretics, took their cities, filled all places with slaughter and blood, and burnt many whom they had

<sup>a</sup> Bzovius, A. 1208. § 95.

<sup>b</sup> Ibid. § 6.

taken captives. For in the year 1209.<sup>a</sup> Biterre was taken by them, and all, without any regard of age, cruelly put to the sword, and the city itself destroyed by the flames.<sup>b</sup> Cæsarius tells us, that when the city was taken, the cross-bearers knew there were several Catholics mixed with the Heretics; and when they were in doubt how to act, lest the Catholics should be slain, or the Heretics feign themselves Catholics, Arnold Abbot of Cisteaux made answer, “slay them all, for the Lord knows who are his;” whereupon the soldiers slew them all without exception.

Carcassone also was destroyed, and by the common consent of the prelates and barons,<sup>c</sup> Simon Earl of Montfort, of the bastard race of Robert king of France, (whom Petavius in his *Ration. Temp.* calls a man as truly religious as valiant,) was made governor of the whole country, both of what was already conquered, and what was to be conquered for the future. The same year he took several cities, and reduced them to his own obedience. He cruelly treated his captive Heretics, and put them to death by the most horrible punishments.<sup>d</sup> “In the city Castres two were condemned to the flames, and when a certain person declared he would abjure his heresy, the cross-bearers were divided amongst themselves. Some contended that he ought not to be put to death; others said it was plain he had been an Heretic, and that his abjuration was not sincere, but proceeded only from his fear of immediate death. Earl Montfort, however, consented that he should be burnt; alledging, that if his conversion was real, the fire would expiate his sins; if otherwise, that he would receive a just reward of his perfidiousness.”<sup>e</sup> In other places also they raged with the like cruelty. One Robert, who had been of the sect of the Albigenses, and afterwards joined himself to the Dominicans, supported by the authority of the princes and magistrates, burnt all who persisted in their heresy; so that within two or three months he caused fifty persons, without distinction of sex, either to be buried alive or burnt; from whence he gained the name of the

<sup>a</sup> Bzovius, A. 1209. sect. 1.

<sup>b</sup> Raynaldus, A. 1209. sect. 22.

<sup>c</sup> *Ibid.* sect. 23, 24.

<sup>d</sup> *Ibid.* sect. 25.

<sup>e</sup> *Ibid.* A. 1207. sect. 3.

hammer of the Heretics. Raynold affirms, that it ought not to be doubted but that Pope Innocent appointed him to this office.<sup>a</sup> At Paris, one Bernard, with nine others, of whom four were priests, the followers of Almeric, were apprehended; <sup>b</sup> and being all had into a field, were degraded before the whole clergy and people, and burnt in the presence of the king.<sup>c</sup>

The year following there was undertaken a new expedition of the cross-bearers against the Albigenses. They seized on Alby, and there put many to death. They took la Vaur by force, and burnt in it great numbers of the Albigenses. They hanged Aymeric the governor of the city, who was of a very noble family. They beheaded eighty of lesser degree, and did not spare the very women. They threw Girarda, Aymeric's sister, and the chief lady of that people, into an open pit, and covered her with stones. Afterwards they conquered Carcum, and put to death sixty men. They also seized on Pulchra Vallis, a large city near Tholouse, and burnt in it 400 Albigenses, and hanged 50 more. They took Castris de Termis, and in it Raymond de Termis, whom they put in prison, where he died, and burnt in one large fire his wife, sister, and virgin daughter, with some other noble ladies, when they could not persuade them, by promises or threats, to embrace the faith of the church of Rome.

The Earl of Tholouse, terrified with these successes of Simon Montfort, and fearing for himself and country, raised a great army, and had forces sent him from the kings of England and Aragon, to whom he was related. For he married Joan, sister of the king of England, who had been formerly queen of Sicily, and had by her a son named Raymond. After her death he married Eleanor, the sister of Peter king of Aragon. But this army was defeated with a great slaughter by the cross-bearers under the command of Earl Montfort, and the Earl of Tholouse driven from his dominions. About the beginning of the year 1215, in a council of certain archbishops and bishops near Montpellier, held by the Pope's legate, Montfort was declared

<sup>a</sup> Raynaldus, A. 1210. sect. 10.

<sup>b</sup> Bzovius, A. 1209. sect. 11.

<sup>c</sup> Ibid. A. 1211. sect. 9.



lord of all the countries he had conquered, and the archbishop of Ambrun was sent to the Pope, to get him to ratify the council's sentence, and Lewis, eldest son of Philip the French king, confirmed him in the possession.

During these transactions Pope Innocent III. in the year of our Lord 1215, called the famous Lateran council, where Dominic was present, in which there were many decrees against Heretics, which were afterwards inserted in the decretals of Gregory.<sup>a</sup> To this council fled the Earl of Tholouse, with his son Raymond, being dispossessed of his dominions by Montfort. Guido, the brother of Earl Montfort, appeared against him, and after many debates, Earl Raymond was declared, "to be for ever excluded from his dominions, which he had governed ill, and commanded to remain in some convenient place out of his own lands, in order to his giving suitable proofs of his repentance. Four hundred marks of silver were assigned him yearly out of his revenues, as long as he behaved himself with an humble obedience. But as all bore testimony to his wife, that she was a good Catholic lady, she was left in possession of the lands of her dowry, provided she caused the commands of the church to be observed, and suffered none to disturb the affairs of peace or faith." However, all that the cross-bearers had taken was adjudged to Montfort; "and as to the rest, which they had not seized on, the church decreed it should be kept by proper persons, to preserve the peace, and the faith, that there might be some provision for the only son of the Earl of Tholouse, according as he should deserve it in part or whole, after his coming to age.

Upon this decree of the synod Raymond went into Spain, and his son Raymond into Provence, where, with the help of many auxiliary forces, he made war on Montfort. He recovered some part of his dominions, and even the city of Tholouse itself. Whilst Montfort was endeavouring to retake it with a large army, he was killed by the blow of a stone, and thereby the city delivered from the siege. Thus Raymond recovered by arms his father's Earldom, who died in the year 1221, and

<sup>a</sup> Tit. de Hæret. cap. 13.



was succeeded by this his son, who could not obtain, with all his endeavours, a Christian burial for his father.

As things thus took a different turn, sometimes according to the Pope's wish, at other times contrary to it, he pressed the Inquisition as the most effectual remedy for the extirpation of Heretics. Bzovius<sup>a</sup> relates, that at this time many Heretics were burnt in Germany, France, and Italy, and that in this year no less than 80 persons were apprehended at once in the city of Strasbourg, of whom but a very few were declared innocent. "If any of these denied their heresy, Friar Conrade of Marpug, an Apostolical Inquisitor of the order of Predicants, put them to the trial of the Fire Ordeal, and as many of them as were burnt by the iron, he delivered over to the secular power to be burnt as Heretics; so that all who were accused, and put to this trial, a few excepted, were condemned to the flames.

About that time Pope Honorius sent a rescript to the bishop of Boulogne,<sup>b</sup> anathematizing all Heretics, and violaters of the ecclesiastical immunity, in these words: "we excommunicate all Heretics of both sexes, of whatsoever sect, with their favourers, receivers, and defenders; and moreover, all those who cause any edicts or customs, contrary to the liberty of the church, to be observed, unless they remove them from their public records within two months after the publication of this sentence. Also we excommunicate the makers, and the writers of those statutes, and moreover all governors, consuls, rulers, and counsellors of places, where such statutes and customs shall be published or kept, and all those who shall presume to pass judgment, or to publish such judgments, as shall be made according to them."<sup>c</sup>

In the mean while, after Raymond had recovered his father's dominions, the Inquisition was banished from the country of Tholouse. But Pope Honorius III. left no stone unturned to render the Earl obnoxious. He took care to let him know by his legate, that he should be stripped of his dominions as his father was, unless he returned to his duty; and by letters

<sup>a</sup> Bzovius, A. 1215. sect. 7.

<sup>b</sup> Ibid. A. 1218. sect. 11.

<sup>c</sup> Raynald. A. 1221. sect. 41.

bearing date the 8th of the calends of November, he confirmed the sentence of the legate, by which he deprived him of all his right in every country that had ever been subject to his father;<sup>a</sup> and to give this sentence its full force, he commanded the Dominicans, and gave them full power to proclaim an holy war, to be called the<sup>b</sup> Penance war, against the Heretics. A vast number met together at the sound of this horrid trumpet, and entered into this holy society, as they believed it, wearing over a white garment a black cloak, and receiving the sacrament for the defence of the Catholic faith.

And that the Pope might more effectually subdue the Earl of Tholouse, he sent his letters to king Louis, who had succeeded his father Philip, in which he exhorts him to take arms against the Albigenses in this manner.<sup>c</sup> “It is the command of God, ‘If thou shalt hear say in one of thy cities, which the Lord thy God hath given thee to dwell there, saying, Let us go and serve other Gods, which ye have not known, thou shalt smite the inhabitants of that city with the edge of the sword, and shalt burn with fire the city.’ Although you are under many obligations already to God, for the great benefits received from him, from whom comes every good gift, and every perfect gift, yet you ought to reckon yourself more especially obliged courageously to exert yourself for him against the subverters of the faith, by whom he is blasphemed, and manfully to defend the Catholic purity, which many in those parts, adhering to the doctrine of devils, are known to have thrown out.”<sup>d</sup>

The affairs of the Albigenses also engaged the attention of a synod, which was held at Paris, by the Pope’s command, where Amalric son of Simon Montfort, demanded the restitution of the lands of Raymond. Raymond endeavoured to defend himself against the threatening danger, by declaring the purity of his faith, and offering to yield to any enquiry, for the satisfaction of the holy church.

But this the legate contemned, nor could the Catholic Earl (they are the words of Matthew Paris) find any favour, unless he would abjure his patrimony, and renounce it for himself and

<sup>a</sup> Bzovius, A. 1221. sect. 8. <sup>b</sup> De pœnitentia. <sup>c</sup> Raynald. A. 1223. sect. 41.

<sup>d</sup> Usser. de succes. c. 10. sect. 46. and seq.

his heirs. So that another expedition of the cross-bearers was resolved on against Earl Raymond.

In pursuance of this resolution, the Pope sent to the king of England, commanding him not to succour Raymond, and to the king of France, requiring the assistance of his forces. Louis accordingly undertook the task of subduing Raymond, and with a large army sat down first before Avignon.—The city was valiantly defended, by which the besiegers suffered great losses; but the greatest disaster the French encountered was the Dysentery, a disease which prevailed so far as to destroy a considerable part of the army, as well as the king himself. This together with the determined bravery of the besieged, alarmed the Popes legate, who, finding force of so little avail, and dreading the disgrace of abandoning the design, scrupled not to adopt the vilest treachery and to practice the basest hypocrisy.—He offered to suspend hostilities, and to pave the way for peace, if the besieged would admit a few priests, only to enquire concerning the faith of the inhabitants: and these terms being agreed upon and sealed by mutual oaths; the priests entered, but in direct violation of their solemn engagement, brought the French army with them, who thus fraudulently triumphed over the unexpecting citizens; they plundered the city, killed or bound in chains the inhabitants, and overthrowing the towers and walls, passed on to the siege of Tholouse.

The city of Tholouse<sup>a</sup> sustained a long siege, and Raymond omitted no means of defence; he was at length, however, overcome, and compelled, in order to reconciliation with the church, to resign the far greater part of his dominions: and in the presence of two cardinals of the church of Rome, was led to the high altar in a linen garment, with naked feet, and absolved from the sentence of excommunication.

<sup>a</sup> Raynald. A. 1228. sect. 3. Bzovius, sect. 28.

## CHAP. XII.

*Several COUNCILS held, and Laws enacted by the Emperor FREDERICK II. by which the Office of the INQUISITION was greatly promoted.*

THE Earl of Tholouse being thus subdued, severer laws were enacted against heretics.<sup>a</sup> Raymond himself made many laws against them; ordered all the heretics in his country to be apprehended; and that the inhabitants of every city or castle should pay one mark for every heretic, to the person who took him. Louis also, the French king, put forth a constitution against heretics, in which he commands the immediate punishment of all who should be adjudged heretics by the bishop, or any other ecclesiastical person. He deprives all their favourers of the benefit of the laws; commands their goods to be confiscated, and never to be restored to them or their posterity; and that the Ballive should pay two marks of silver to any one that apprehended an heretic.

And now the pope laboured, with all his might, to confer a greater power on the inquisitors, and to establish for them a tribunal, in which they might sit, and pronounce sentence of heresy and heretics, as judges delegated from himself, and representing his person. But to this there were in the beginning great obstacles, the people not easily admitting that new tribunal, rightly judging that great numbers would be destroyed by the informations of the inquisitors. So that they were very ill looked on by all, even before they had obtained the power of judging: for the magistrates and wiser part of the people, foresaw what must happen, upon their being invested with such an authority; and were far from thinking it safe, that their fortunes and lives, and those of their fellow citizens, should be exposed to the pleasure of the pope's emissaries, and that they should be made entirely obnoxious to their tyranny.

<sup>a</sup> Bzovius, a. 1228, sec. 6.



But upon the conquest of the Albigenses, and the taking their countries and cities, the pope caused the inquisition to proceed with greater success. For in France, as Pegna observes, in John Calderin's treatise about the form of proceeding against heretics—"There were held several councils, at divers times and places, of the French archbishops, about the method of proceeding against and punishing heretics. In the year of our Lord, 1229, there was a council at Tholouse, where many statutes were made; which were published there by Romanus, cardinal deacon of St. Angelus, legate of the apostolic see. In the year 1235, another council was held at Narbonne, of the French prelates, in which this affair was more fully discussed than at Tholouse. Afterwards<sup>a</sup> there was another provincial council at Biterre, when these things were more particularly settled than in the two former. The acts of these councils were not discovered for a long while, but found, some time since, in the Vatican Library, and in an old MSS. parchment, which was brought to Rome from the inquisition of Florence." Pegna adds, that he would soon publish these councils, with his comments on them; and says they are very useful, and suited to the office of the inquisitors of heretical pravity. But I could never yet learn whether they have seen the light.

These were the transactions in France. In Rome, about the year 1230, Raymand of Pegnaforte, who was a Dominican, compiled, by the command of Pope Gregory IX. the books of Decretals, into which he collected all the laws of the councils and popes against heretics. Afterwards Boniface VIII. ordered a sixth book of the Decretals to be wrote. After this were added the Clementines and the Extravagantes, made on various occasions, that the inquisitors might want nothing for the full exercise of their office: and as the Waldenses had stolen into Arragon and Navarre, chiefly from the neighbouring Languedoc, there was a synod held at Tarracona, about the year 1240, in which there were many things enacted concerning heretics, and their punishments.

Even the emperor Frederick II. himself, put forth many laws against heretics, their accomplices and favourers, at Padua,

by which he greatly promoted the inquisition. In the first, which begins *Commissi nobis*, he ordains, that those heretics, who were committed by the church to the secular court, should be put to death without mercy : that converts through fear of death, should be imprisoned : that heretics, with their abettors, wherever they were found, should be kept in custody till they were punished according to the sentence of the church : that persons convicted of heresy, who had fled to other places, should be taken up ; that such as were relapsed, should be punished with death : that heretics and their favourers, should be deprived of the benefit of appeal ; that their posterity, to the second generations, should be incapable of all benefices and offices ; but that their heirs should be indemnified if they discovered their parent's wickedness. And lastly, he takes under his imperial and special protection, the predicant friars, deputed for the faith against heretics, in all the parts of the empire, and all others who were sent for, and should come for the judgment of heretics, commanding the magistrates severely to punish all convicted heretics, after condemnation, by the ecclesiastical sentence. In his second edict, which begins, *Inconsutilem tunicam*, after expressing great abhorrence of the crime of heresy, he commands all impenitent heretics to be burned with fire, and the favourers of the Paterenes to be banished. In his third, beginning *Patarenorum receptatores*, he deprives the children of heretics of their honours, unless any of them should discover one of the sect of the Paterenes ; and put heretics themselves under the ban, confiscating their estates. In his fourth, beginning *Catharos*, he condemns all suspected persons as heretics, if they do not purge themselves within a year ; commands his officials to exterminate heretics from all places subject to them ; orders that the lands of the barons shall be seized by the Catholics, if they do not purge them from heretics, within a year after proper admonition, and ordains many punishments against the favourers of heretics, and the most severe ones against all who apostatise from the faith.

Paulus Servita tells us, in his history of the Venetian Inquisition, that these laws were made in the year of our Lord 1244. Bzovious and Raynald refer them to the year 1225. But

whatever was the year of their publication, it is certain that the Inquisition was greatly promoted by them; and that they were approved and confirmed by some of the pope's bulls, in which they were inserted.



### CHAP. XIII.

*The INQUISITION introduced into Arragon, France, Tholouse, and Italy.*

IN the year of our Lord 1231,<sup>a</sup> in the month of February, some of the Paterenes were discovered in the city of Rome: some of them who were impenitent were burnt alive; others were sent to the church of Monte Casino, and to Cava, to be there kept till they recanted. The pope and Roman senate made also severe laws against heretics; and because the Milaneze were most infected with heresy, Frederick, by an imperial edict, commanded "all convicted of that crime to be delivered over to the flames, or their blasphemous tongues to be cut out, if the keeping them alive would prove a terror to others;" which Raynald affirms "to be a severe, but most just edict."

This very year Pope Gregory IX. gave a famous instance of his tyranny and injustice. Ezelinus, Lord of Padua, and vassal of the emperor Frederick, constantly adhered to his master, and faithfully took the emperor's part against the faction of the pope. On this the pope endeavoured to render him infamous by the charge of heresy; that under this specious pretence he might expel him his dominions: but as he failed in this, he stirred up his children against him this very year, that being delivered by them into his power, he might punish him as he pleased. In order to this, he sent letters to Ezeline, beseeching him to take better measures, and admonished him to renounce his errors.<sup>b</sup> A copy of these letters he sent to his two

<sup>a</sup> Raynald, a. 1231, sec. 13, 14, 15, 16.

<sup>b</sup> Ibid. sec. 20, &c.



sons, young Ezeline and Alteric, who pretended to abhor their father's wickedness, and promised Gregory, of their own accord, as Raynald relates, that they would deliver their miserable father into the hands of the censors of the faith, if he persisted obstinately in his wickedness, that they might not lose the inheritance of their ancestors. Upon this, the pope gave them to understand, that he had deferred coming to extremities against their father for their sake, whom he believed still to continue in the true worship of God, that they might not be involved in his misfortune; "for," says he, "the crime of heresy, like that of high treason, disinherits the children." Then he beseeches and commands them, that they would use all possible means to deter their father from heresy, and the protection of heretics, and that if he despised their admonitions, they would consult their own safety, by sending him, as they had promised, before the pope's tribunal. "Nor is it to be wondered at," adds Raynald, "that this advice should be given to the sons against their own father, since the cause of the divine Being, of whom all paternity is named, is to be preferred to all human affections."

The year following, 1232, the Inquisition was brought into Aragon.<sup>a</sup> The bishop of Hyesca, in Aragon, was reported to err in matters of faith. Upon this Gregory committed the office of making Inquisition against him to friar Peter Caderite, of the Predicant order, and commanded James, king of the Aragons, that he should not suffer him, or those whose advice or counsel he should think fit to make use of, to be injured by any means whatsoever. And that he might entirely extirpate heresy out of the province of Tarracon, he gave commission, by a bull, to the archbishop of Tarracon and his suffragans, to constitute inquisitors against heretical pravity, of the order of Predicants.<sup>b</sup>

<sup>a</sup> Bzovius, a. 1232, sect. 8, 9.

<sup>b</sup> The bulls read thus:—"Since the evening of the world is now declining, &c. we admonish and beseech your brotherhood, and strictly command you by our written apostolic words, as you regard the divine judgment, that with diligent care you make enquiry against heretics, and render them infamous, by the assistance of the friars Predicants, and others, whom you shall judge fit for this business; and that you proceed against all who are culpable and



Amongst the inquisitors appointed by them, friar Raymond Peciafortius Barninonensis was particularly famous; who wrote a formulary of the manner of proceeding against heretics, beginning, "I believe that heretics," &c. which was of so great authority, that Gregory enjoined William, archbishop elect of Tarracon, to follow it in every thing. Bzovius gives us this formulary entire, in his annals, under the year 1235, sec. 5.

In France there was not wanting some, who stirred up the remains of the Albigenses;<sup>a</sup> "so that," as Bzovius says, "they very grievously oppressed the inquisitors and other persons, appointed by the apostolic see, for the direction and defence of the Catholic faith."<sup>b</sup> Gregory IX. excited Louis, the king, against them, and advised him to join with the archbishop of Vienne, some person famous for his wisdom and justice, who might know what pertained to the ecclesiastical right, what to the royal, and what to the rights of others. He also exhorted Blanche, the queen, to persuade her son to perfect so righteous a work. The same author tells us,<sup>c</sup> that the same year, after great struggling, the Inquisition was brought into Tholouse, upon the first day of the festival of Dominic, but not without a great tumult of the people, raised by a seditious sermon of a silly monk, upon occasion of the death of a certain matron of Tholouse, who lived near the convent of the Predicants, and had been hereticated before she died.<sup>d</sup>

infamous, according to our statutes lately published, against heretics, unless they will from the heart absolutely obey the commands of the church; which statutes we send you inclosed in our bull; and that ye also proceed against the receivers, abettors, and favourers of heretics, according to the same statutes. But if any will quite abjure the heretical plague, and return to the ecclesiastical unity, grant them the benefit of absolution, according to the form of the church, and enjoin them the usual penance."

<sup>a</sup> Bzovius, a. 1234, sect. 8.

<sup>b</sup> i. e. Perhaps they strove to prevent so intolerable a yoke being put on their necks.

<sup>c</sup> Bzovius, a. 1234, sect. 24.

<sup>d</sup> "When this came to be public, friar William Arnaldi, an inquisitor, condemned her for an heretic, and left her to the secular court. After this, the prior of the friars Predicants, Fu Pontus, of Agde, explaining those words of Ecclesiastic. xlviii. 'Elias the prophet rose as fire, and his sword burnt like a torch,' to a vast company that had met together about nine, and, adapting his words to the festival and the present business, turned himself

However, the inquisitors were the year following ejected from Tholouse. But that they were restored there again, we learn from Luke Wadding,<sup>a</sup> who, in his *History of the Friars Minors*, relates, that in the year 1238, there were at Tholouse, Friar William Arnaldi, of the Predicant Order, and Seraphinus de S. Tiberio, of the Minors, inquisitors of heretics. The same author gives us also the Epistle of Gregory IX. to the Deacon of the Order of Friars Minors, in Navarre, and to Master Peter de Leedegaria, a predicant friar, living at Pamplona.<sup>b</sup>

It cannot be doubted that the office of the delegated inquisition was in these times introduced into Italy,<sup>c</sup> because the inhabitants of Placentia drove out from their city Friar Rowland,<sup>d</sup> the inquisitor, in the year 1234. The year following the pope committed the office of the inquisition to the prior of St. Mary ad Gradus, and to Friar Radulph, a predicant at

to the east and west, to the north and south, and cried out towards every part in as loud a voice as he could, repeating it oftentimes, ‘In the name of God, and his servant St. Dominic, I do from this hour renounce all faith with heretics, their favourers, and believers.’ Then he bawled out again,—‘I adjure the Catholics, in the name of God, that laying aside all fear, they would give their testimony to the truth:’ and thus left off. About seven days after this meeting many came in, by whose means the inquisitors found out a way to the recesses of darkness. Many of them abjured their heresy, some discovered others, and promised that, at a proper opportunity, they would detect more.

<sup>a</sup> Bzovius, A. 1235. § 4.

<sup>b</sup> It begins *Rumor, &c.* in which, amongst other things, there is this: “Since therefore, according to the office enjoined us, we are bound to root out all offences from the kingdom of God, and as much as in us lies to oppose such beasts, we deliver into your hands the sword of the word of God, which, according to the words of the prophet,\* ye ought not to keep back from blood; but, inspired with a zeal for the Catholic faith, like Phineas,† make diligent inquisition concerning these pestilent wretches, their believers, receivers, and abettors, and proceed against those who, by such inquisition, shall be found guilty, according to the canonical sanctions, and our statutes, which we have lately published to confound heretical pravity, calling in against them, if need be, the assistance of the secular arm.—Given at the Lateran, 8 Cal. Maii, An. 12.

<sup>c</sup> Ibid. A. 1234. § 25.

<sup>d</sup> Ibid. 1235. § 2.

\* Jer. xlviii. 10.

† Exod. xxxii. 33.

Viterbo, commissioning them to enquire out all heretics coming from other cities, and to absolve from censures such who abjured their heresy, and reconciled themselves to the church. Upon this affair he gave letters to both of them at Perouse, the second of the ides of August, and ninth year of his pontificate. But two years after,<sup>a</sup> and the eleventh of his pontificate, at Viterbo, he sent letters to the provincial of Lombardy, a predicant, by which he invested him with the power of making inquisitors. The letters begin thus: *Ille humani*, &c. and very distinctly represent the office given to the inquisitors.<sup>b</sup>

<sup>a</sup> 13 Cal. of June.

<sup>b</sup> After the usual complaint of the rise of heresy, he enjoins the inquisitors their office in these words: "We, therefore, being willing to prevent the danger of so many souls, entreat, admonish, and beseech your wisdom, and strictly command you by these apostolic writings, as you have any regard for the Divine judgment, that you appoint some of the brethren committed to your care, men learned in the law of the Lord, and such as you know to be fit for this purpose, according to the limitations of your order, to be preachers general to the clergy and people assembled, where they can conveniently do it; and in order the more effectually to execute their office, let them take into their assistance some discreet persons, and carefully enquire out heretics, and such as are defamed for heresy. And if they find out either any really culpable, or such who are defamed, let them proceed against them according to our statutes, lately published against heretics, unless upon examination they will absolutely obey the commands of the church. Let them also proceed against the receivers, defenders, and abettors of heretics, according to the same statutes. But if any will abjure their heretical defilement, and return to the ecclesiastical unity, let them have the favour of absolution according to the form of the church, and be enjoined the usual penance. But let them be more especially careful, that such who appear to return, do not commit impiety under the specious pretence of piety, and the angel of Satan thus transform himself into an angel of Light. Therefore let them peruse the statutes which we have thought fit to publish concerning this affair, that they may beware of their subtlety, according to the discretion given them of the Lord. And that they may more freely and effectually execute the office committed to them in all the premises, we, confiding in the mercy of Almighty God, and the authority of the blessed apostles, Peter and Paul, remit for three years the penance enjoined them, to all who shall attend their preaching for twenty days in their several stations, and likewise to those who shall give them assistance, counsel or favour, in their endeavours to subdue heretics, their abettors, receivers, and defenders, in their fortified places and castles. And as for those who shall happen to die in the prosecution of this affair, we grant a plenary pardon of all their sins for which they are contrite in their hearts, and which they confess with their



In the same year 1235,<sup>a</sup> Pope Gregory commanded the bishop of Huesca, the prior of Barcelona, and Friar William Barbarano, a predicant, that they should not suffer the office by any means to relax, but should make inquisition against heretics in the province of Tarracon, and proceed according to the canons. He also appointed Friar Robert, a predicant, inquisitor-general against heretics in the whole kingdom of France, and commanded him so to proceed in the causes committed to him, as that the innocent should not perish, and that iniquity should not remain unpunished. The bull of this commission is extant, dated at Perouse,<sup>b</sup> and ninth year of his pontificate; in which he prescribed the form of penance to such as abjured their heresy, and ordained many other things against heretics, and commanded the provincial of the Teutonic Order of Predicants, that he should chuse fit persons out of all Germany, to preach in every place the word of the cross against the heretics and Saracens.



#### CHAP. XIV.

##### *Concerning the first Hindrances to the Progress of the* INQUISITION.

ALTHOUGH the pope perpetually pressed the inquisition it was not every where received, the struggles and jealousies which are always apparent between civil and ecclesiastical au-

months. And that nothing may be wanting to the said friars in their prosecuting the foresaid business, we grant them, by the tenour of these presents, full power of involving, under the ecclesiastical censure, all who contradict and rebel against them. We also grant them the power to restrain, under the same censure, from the office of preaching, which by no means belong to them, the questuary predicants, whose business it is simply to ask only charitable supports, and to sell an indulgence, if they should happen to have one." \*

<sup>a</sup> 17 Cal. of June.

<sup>b</sup> 10 Cal. of September

\* Bzovius, A. 1235. sect. 2.



thority engendered animosities; nor could the former permit the latter so far to domineer as to extinguish its most essential functions.

Among others Louis, king of France, made a law, forbidding the appearance of his subjects before the ecclesiastical tribunals, and inflicting punishment on those who should compel them. This law drew forth the remonstrances of the pope, who endeavoured to win over the king, by the splendid and pious examples of Charles the Great, Theodosius and Valentine, nor did he fail to hint at anathemas as the reward of obstinacy. Louis, who was then soliciting the title of the obedient son of the church, thought it prudent to yield to the papal severity; he was also entreated by Gregory to compel Earl Raymond to perform his vows made on his reconciliation, namely, to destroy all heretics, and lead an army into the Holy Land; this request was made in consequence of a tumult among the people, at Tholouse, opposing the inquisitors.

The inquisition was indeed not only hateful to the people on account of its novelty, but from its excessive cruelty. The conduct of the inquisitors was of the most sanguinary kind. Among these one Friar Robert was not the least; he was surnamed Bulgarius, because he had cruelly persecuted and delivered over to the flames the Waldenses, then called Bulgarians, or according to others because he himself had formerly professed himself to be one of their sect. This man's furious and bloody conduct was so terrific that even the pope could not sanction his injustice, but was compelled to deprive him of his office, and shut him up in perpetual imprisonment.

The excesses of Robert and of Fulio, who scattered death and terror in Languedoc, induced in 1301 an inquiry into abuses, when it was ordered, that in future persons charged with heresy should not be detained by a single inquisitor, but be transferred to the royal prisons at Tholouse; and to moderate the fury of the Dominicans, in order to preserve appearances with the exasperated people, some friars minors were added to the predicants, whose gentleness might be supposed to check their ardour.

The tribunal of the inquisition was found a very convenient

mode of revenging any real or supposed injury, since it was only necessary to the destruction of an individual, that he should be charged with heresy : it is not surprising, therefore, that the Emperor Frederic urged by personal hatred procured the death of a great number of individuals, who were notwithstanding known to be rigid catholics. Gregory admonished Frederic on this subject, though no conduct of Frederic's could equal that of the Roman pontiff's, either for ambition or cruelty. For although Frederic had materially assisted the inquisition, made very severe laws against heresy, and branded several on the face with red hot irons, yet he could not escape the papal thunder ; for, in the year 1239, Pope Gregory excommunicated him, and absolved his subjects from their oaths of allegiance. Frederic gave an abundant answer, and cleared himself of the crimes charged upon him ; but the pope sent letters to all the prelates, Christian kings, and princes, charging him with heresy, and with having asserted, that the power of binding and loosing was not in the church delivered by our Lord to Peter and his successors. Formally deprived by Innocent of his empire, Frederic was compelled to take arms ; but the papal power prevailed, by its instigation of others, and Frederic, as a last resort, was compelled to seek reconciliation with the church, which he was required to do without the noise and terror of arms—attended only by a small retinue, under the promise, that proper security should be given, that no injury should be done to him or his.

After the imperial power had been thus insulted, it is no wonder that the same process should be carried on against Ezeline, Lord of Padua, who was zealously attached to the emperor. Ezeline was accordingly charged with heresy : and a day being appointed for him to clear himself, and he not appearing, the pope, in 1251, appointed the bishop of Treviso to let him know, that unless he came forward it should be publicly declared, that he was infected with heresy—to be avoided of all, that his body might be seized on, his goods plundered, and that an army of cross-bearers should be sent against him and his adherents. In the year 1254, these sentences were,

after long delay, published against Ezeline, whereby he is charged with the most horrid crimes.

Raymond also, Earl of Tholouse, oppressed by the disasters already related, submitted his neck to the papal yoke; and signified to the pope, that he desired that heretical pravity might be wholly extirpated out of his dominions, upon which the pope, to oblige him, as he says, and in approbation of his pious zeal, sent the bishop of Agen, to make inquisition in Tholouse; and Raymond ordered eighty persons to be burnt with fire in the city of Agen, who either confessed or were convicted. But he did not himself long survive—dying in the year 1249, and was the last Earl of Tholouse in that line, that earldom devolving to the Earl of Poitiers, his son-in-law, and from him to the kings of France.

The office of the inquisition was introduced into Burgundy 1223—into Aragon 1232—into Lombardy 1247, chiefly on account of the spreading of the Waldensian doctrines, whose poor faithful professors sustained tremendous cruelties.



## CHAP. XV.

### *The more speedy* PROGRESS *of the* INQUISITION.

THUS far the pope had laboured hard in promoting the affair of the inquisition. But as there were perpetual quarrels between the popes and the emperor, the pope's success was not answerable to his wishes, as being more intent upon promoting war, than enquiring into, and judging of heresies. But after the death of the Emperor Frederic, the affairs of Germany being in great disorder, and Italy without any prince; Pope Innocent IV. seeing all things become subject to his power, in Milan and other parts of Italy, determined to extirpate all heresies, which had greatly increased in the preceding war: and because the Dominican and Franciscan friars had greatly assisted the pope against heretics, and were ani-

mated with a fiery zeal, he committed this affair to them, rather than to any others whatsoever. He therefore erected a tribunal, solely for the business of the faith; and gave to the inquisitors perpetual power to administer judgment in his name in this cause.

His first and principal care was to purge Italy from heresy, which was nearest to himself, and mostly subject to his power; and therefore he erected several tribunals of the inquisition therein. In the year 1251, he created Vivianus Bergomensis, and Peter of Verona, both friars predicant, inquisitors of the faith in Milan, and gave them letters, in which he taxes even the Emperor Frederic as a favourer of heresy.<sup>a</sup>

This Peter of Verona appointed, that amongst other statutes of the republic of Milan,<sup>b</sup> many also should be made and observed against heretical pravity. But as he was going from Como to Milan, A. D. 1252, to extirpate heresy, a certain believer of heretics attacked him in his journey, and dispatched him with many wounds. He was canonized after his death by Alexander IV., and is worshipped as a martyr by

<sup>a</sup> “Innocent, &c. Whilst that perfidious tyrant lived, we could not so freely proceed against this plague, especially in Italy, through his opposition; who, instead of putting any check to it, rather encouraged it. When he became evidently suspected of this, he was condemned by us in the council of Lyons, as well as on account of his many other enormous excesses: and, therefore, we strictly command and enjoin your discretion, by these our apostolic writings, as you expect the remission of your sins, that ye prosecute this affair of the faith, which lies principally upon our heart, with all your powers and with fervent minds; and that ye go personally to Cremona; since we have thought proper to depute for the same business other discreet persons in the other cities and places of Lombardy; and that after having called a council in that diocese, ye do carefully and effectually labour to extirpate heretical pravity out of that city and its district; and that if you find any persons culpable upon this account, or infected, or defamed, unless upon examination they will absolutely obey the commands of the church, ye proceed against them, their receivers, abettors and favourers, by the apostolic authority, according to the canonical sanctions, laying aside all fear of men; and that if there be need, ye call into your assistance the secular arm.” \*—Dated the Ides of June, and 8th Year of our Pontificate.

<sup>b</sup> Pegna in Eymeric. p. 2. com. 38.

\* Raynald. A. 1251. sect. 34, 35.



the Dominicans, whom, next to Dominic, they esteem as the patron and prince of the holy office of the inquisition; since he was the first who consecrated it by his blood. The ministers also of the inquisition, which they call in Italy, Cross-Bearers, are from him called Co-Brothers of Peter the Martyr; and in the very ensigns of this office he is painted as a martyr, and protector of this sacred tribunal, with a silken cross, of a red colour, interwoven with gold, as the emblem of his martyrdom.

But least the pope should seem wholly to deprive the bishops of the power of judging, concerning the faith, which hitherto had been wholly lodged with them, he appointed that a bishop, with the inquisitor, should be judges in this tribunal: but the bishop was admitted only for form's sake. The whole power of judging lay wholly in the inquisitor. And that there might be some shew of authority left to the civil magistrates, who, by the last laws of Frederic, had the power of pronouncing sentence upon heretics, he allowed them to appoint ministers of the inquisition, but such only as were nominated by the inquisitors; and to depute one of their number, nominated also by the inquisitor, to visit with him the territory committed to him; and of claiming the third part of the confiscated goods; together with some other things of the like nature, by which the secular magistrate seemed indeed to be admitted as a companion of the inquisitors, but was in reality rendered their slave and tool: for he was obliged, at the command of the inquisitor, to apprehend any one, and to imprison him, wherever the inquisitors pleased. He was also under an oath to expel from his family, and not to admit into any office, any that should be adjudged heretics by the inquisitor's sentence; and if any of his number assisted the inquisitors, they were put under an oath of secrecy. From all which it is manifest, that the magistrates were not the companions of the inquisitors in that tribunal, but only their slaves and tools. The pope also ordained, that all persons should pay towards the charges of the goals, imprisonments, and support of those who were confined.

By this means the office of making inquisition against here-

tics,\* was in divers places of Italy committed both to the minors and predicant friars. But lest their mutual power, and the neighbouring jurisdiction of the places should create confusion, or raise disputes about their respective bounds, the pope recalled all the commissions that had been granted in the affair of the faith; and divided, in an exact proportion, to each order, the several parts of Italy. The friars minors he appointed in the city of Rome, throughout Tuscany, in the patrimony of St. Peter, the duchy of Spoleto, Campania, Marettimo and Romania. To the predicants he assigned Lombardy, Romaniola, the marquisate of Tarvisino, and Genova. The bull in which he commits the office of the inquisition to the predicants, is in Bzovius, A. D. 1254,<sup>b</sup> and that to the minors, in Luke Wadding, A. D. 1254.<sup>c</sup> After this, the pope prescribed thirty-one articles to the magistrates, judges, and people of the three countries, which he had subjected to the jurisdiction of the predicants, which he commanded to be exactly observed, and registered amongst the public records; and gave power to the inquisitors to put under excommunication and interdict, all who refused to observe them. Armed with this power, they sometimes very insolently abused it, and attempted to introduce into other countries what the pope had ordered only for those that he had put under their particular jurisdiction. Upon this account, in the year 1255,<sup>d</sup> there was a great quarrel between Anselm, a predicant friar in Milan and the magistrate of Genova. The friar endeavoured, that some constitutions made against heretics, both by the apostolic see, and the imperial power, should be published, and repositied amongst the laws of the city. But Philip Turrianus, prefect of the city, refused it, either because he favoured heretics, or despised the commands of the inquisitor. Upon this the friar, supported by the apostolic authority, proceeded against Philip as suspected of heresy; and because he refused to obey and appear, excommunicated him, and all his companions in the government, as accomplices in the crime; and interdicted the city from all holy services. Philip, under that censure, appealed to the

<sup>a</sup> Wadding, A. 1254. sect. 7.

<sup>b</sup> Sect. 4.

<sup>c</sup> Sect. 7.

<sup>d</sup> Bzovius, A. 1256. sect. 7.

apostolic see; and sent ambassadors to the pope, to entreat a suspension of the censures, and to wait for the determination of the whole affair. The pope suspended the curses Anselm had pronounced to a certain day;<sup>a</sup> but before that day came, Philip obeyed the commands of Anselm, registered according to his order all those constitutions amongst the city laws, and proceeded as they directed against all contraveners.

Thus the civil magistrate was sometime forced to yield to the papal authority: and this undoubtedly was the reason, that the laws of Frederic against heretics, were, as friar Bernard of Como relates, in his *Light of the Inquisitors*, printed at Rome, A. D. 1584, registered in the records of the city Como, and accepted by the whole council of that city.<sup>b</sup> Nevertheless, upon account of the excessive cruelty of the inquisitors, and the greatness of the expence, the people were violently set against this tribunal; and some of the popes could scarce extricate themselves out of these difficulties, till at length the people admitted it more easily, being eased of the expenses they had born<sup>c</sup> to support the inquisition, and because the episcopal authority in that tribunal was greatly enlarged.

Sometimes however they broke out into open violence, which was with great difficulty appeased. Thus it happened in the country of Parma, as Honorius IV.<sup>c</sup> relates it, in his letter to the bishop of that city,<sup>d</sup> extant in Bzovius. These difficulties were indeed overcome by the authority of the pope, and rigour of punishments; but contrary to the inclinations and endeavours of the people, who cursed the cruelty of the inquisitors. From some countries where the inquisition had been brought in, it was driven out again; <sup>e</sup> because it assumed the cognizance of those affairs which did not belong to it; so that the people could no longer bear the intolerable yoke. In these latter ages, viz. A. D. 1518, the most violent tumults were raised in Brescia, against the inquisitors, who exercised the most outrageous cruelties against some persons accused of magic, which were with great difficulty appeased, and not till the ecclesiastical tribunal and processes were abolished, and other judges ap-

<sup>a</sup> Hist. Concil. Trid. p. 485.

<sup>b</sup> Sept. 10, 1255.

<sup>c</sup> Hist. Concil. Trid. A. 1285. sect. 12.

<sup>d</sup> See Hist. Inquisit. book iii. cap. 10.

<sup>e</sup> Ibid. Venet. cap. 8.

pointed in their room. Upon the death of Paul IV. the prisons of the inquisition were broke open by the mob at Rome; and the whole building, with all its records, burnt to the ground. At Mantua, A. D. 1568, there was, on the same account, a violent sedition, which brought the city itself into the greatest danger.

As there occurred to these new judges many cases, not determined by the laws, so that sometimes they were in doubt how to proceed; they referred them to the pope, by whom they were deputed, who by his rescripts, gave them proper directions, and declared how they were to pronounce in like cases. There are extant many such answers of Innocent IV., Alexander IV., Urban IV., and Clement IV., to the inquisitors, instructing them in the affair of their office against heretics. And although these rescripts were sent only to the Italian inquisitors, yet we must not think, as Pegna remarks, that these decrees were to be observed in Italy only: <sup>a</sup> “For the Roman pontiffs transmitted their rescripts to the inquisitors of Italy; because at that time there were many of them against the prevailing heresies of the Patarenes, Puritans, Leonists, and other heretics, who chiefly infected the parts of Italy; the heresies of the Waldenses, or poor men of Lyons, being almost buried and extinguished, the apostolic see having a little before suppressed them in Languedoc, Dauphiny, and Provence, by the preaching of many famous men, and especially of St. Dominic. And therefore the rescripts sent by the popes to those inquisitors, they ordered to be observed by the inquisitors of other provinces, where there were any. They were sent first to those of Italy, because they especially needed that provision, and those constitutions.” One may also read in the bulls the same laws often repeated, without any alteration, by different popes. For, as the same Pegna observes, <sup>b</sup> “it seems to have been an antient custom, when the matter required it, that every pope, in the beginning of his pontificate, should publish laws relating to heretics, and rebels against the church, to deter them from so great a crime by the severity of punishments and penalties,

<sup>a</sup> In Eymer. Direct. Inq. p. 3. com. 158.

<sup>b</sup> Direct. Inquis. Par. 2. Comment. 22.



and thus reduce them to the bosom of the church. Sometimes they published the laws received by their predecessors, without altering a word, unless the occasion required otherwise."

This tribunal was purely ecclesiastical, the civil magistrate having no share in the judgment. The inquisitor, with the bishop, pronounced sentence of heresy against the person apprehended. They appointed wholesome penances to the penitent, and delivered over the impenitent and obstinate to the secular court, who without any farther deliberation condemned them to the fire.



## CHAP. XVI.

### *The INQUISITION introduced into several Places.*

AFTER this manner, tribunals of the Inquisition were erected in other places besides Italy. First in the country of Tholouse.<sup>a</sup> For Innocent IV. commanded the provincial of the Predicant order in Provence, to endeavour, with all his might, to extirpate heretics from that country, and the country of Poicteau, and gave him plenary power to excommunicate, absolve, and reconcile.

In the year 1255, Alexander IV, at the request of Louis, appointed inquisitors of the faith in France,<sup>b</sup> and constituted the prior of the Predicant friars at Paris, inquisitor over all that kingdom, and county of Tholouse, with the most ample powers, and exhorted him to advise with grave and prudent men in pronouncing sentences.

When the Inquisition was once brought into France, the pope carefully endeavoured to cherish and enlarge it, and many, who had excited the fury of the inquisitors, having fled to the churches, for the benefit of ecclesiastical immunity. The

<sup>a</sup> Bzovius, a. 1251, sect. 8. n. 9.

<sup>b</sup> Raynald. a. 1255, sect. 33. 34. Bzovius, a. 1255, sect. 8. n. 15.

pope abolished that privilege; and as the increase of the Waldenses became alarming, he republished the seven laws of the emperor Frederick, empowering the magistrates and prefects to proceed against heretics.

About this time, also, the office of the Inquisition was brought into the kingdoms of Castile and Leon.

The pope also commanded,<sup>a</sup> that the minister of Provence should, by the apostolic authority, appoint one of his brethren, a wise and learned man, inquisitor in the county of Vespasin, in Dauphiny.

In the year 1290, the Inquisition was erected in Syria and Palestine; because some heretics and Jews had crept in there, promising themselves security on account of the wars.

In the year 1291, the Inquisition was brought into Servia, when the pope wrote letters to Stephen, king of that country.

The following year, 1292, the Inquisition was erected in the cities of Vienne and Albona,<sup>c</sup> after the same manner as it had been appointed in those of Arles, Aix, and Ambrun. The same year, James, king of Aragon, greatly promoted the Inquisition in all his kingdoms. For by a law, made the 10th of the cal. of May, he commands all the officials of all his kingdoms, already made, or hereafter to be made, that at the notification of or injunction of the friars Predicants, who now are, or hereafter shall be, inquisitors of heretical pravity, they do fulfil, and execute, whatsoever they shall command to be done, by themselves or their deputies, on the part of the pope, or the king himself, whether it be to apprehend, or imprison men's persons, or any other thing relating to the affair of the Inquisition. And he commands them to do this as often as, and wheresoever they shall be, required by them, or any one of them.

And that there might be no place of refuge left for heretics, tribunals of the Inquisition were erected up and down in various countries; in Germany, Austria, Hungary, Poland, Dalmatia, Bosnia, Ragusia, Croatia, Istria, Walachia in Lower Germany, and other places, to which the power of the pope

<sup>a</sup> An. 1288.

<sup>b</sup> Wadding. a. 1292, sect. 3. Bzovius, a. 1292, sect. 5.

could extend itself. The Austrian Inquisition was at first very terrible; for Paramus relates from Trithemius, that in the city of Crema, many thousand heretics were apprehended and burnt by the inquisitors.<sup>a</sup>



## CHAP. XVII.

### *Of the INQUISITION at Venice.*

THE Inquisition at Venice was under a different management. The greatest part of the Christian world being in arms, upon account of the fierce contentions between the pope and Frederick the emperor, Lombardy being torn in pieces by its own quarrels, and the marquisate of Treviso and Romaniola divided between the followers of the pope and emperor, there arose amongst them various opinions, different from the Roman faith. And because many persons had fled to Venice, to live there securely and quietly, the magistrates of that city, to prevent it from being polluted with foreign doctrines, as many cities of Italy were, chose certain men, honest, prudent, and zealous for the Catholic faith, who should observe and enquire out heretics. Full power was also given to the patriarch of Grado, and other Venetian bishops, to judge of those opinions; and it was decreed, that whosoever was pronounced an heretic, by any one of the bishops, should be condemned to the fire, by the duke and senators, or at least the major part of them.<sup>b</sup> And lest there should be any hindrance to this affair, by the death of a single bishop, it was afterwards decreed, that such also should be condemned to the fire, who were pronounced heretics by the bishop's vicars, upon the decease of the bishop.<sup>c</sup> In this process, the secular judges, appointed by the commonwealth, made Inquisition against heretics. The bishop judged concerning their faith, whether it was agreeable to the Roman

<sup>a</sup> Bzovius, a, 1292. sect. 5. l. 2. t. 3. c. 4. n. 17.

<sup>b</sup> This happened A. D. 1249, Father Paul Hist. Inquis.

<sup>c</sup> A. D. 1275. Ibid.

faith, or heretical. Then the duke and senators pronounced sentence, not as mere executors of the bishop's, but as judges, properly so called: but Nicholas IV. a minor friar, being exalted to the pontificate, in order to execute the purposes of his predecessors, and exalt the friars of his own order, did not cease his endeavours, till he got the office of the Inquisition received by a public decree at Venice; but under this limitation, to prevent scandal, that the Duke alone should have power to assist the inquisitors in the execution of their office; that a treasury should be appointed, and an administrator set over it, who should disburse the necessary sums for the office, and should receive and keep all the profits accruing from it, to the treasury. This was done in the year 1289. The pope acquiesced in this decree; and thus the office of the Inquisition at Venice consisted of secular and ecclesiastical persons, and doth to this day; three inquisitors assisting at it in the name of the prince. The ecclesiastics have been, indeed, endeavouring to bring it entirely into their own hands, but could never prevail with the Venetian senate to agree to it. In the year 1301, friar Anthony, an inquisitor, would fain have persuaded duke Peter Gradengo, to have bound himself by an oath, to observe the pontifical and imperial laws against heretics. But the Duke answered, by a public rescript, that he was no ways obliged to take a new oath; because, when he was raised to the high office of Duke, he confirmed, by an oath, the Concordate with Nicholas IV. and therefore insisted that he was no ways bound, by any pontifical, or imperial laws, not agreeing with this concordate. Upon this answer, the inquisitor desisted from his attempt.

From these things, it is evident, that the Venetian Inquisition is very different from what it is in other countries, where ecclesiastics, entirely devoted to the pope at Rome, have the whole management of it. For whereas, in other places, the cognizance of heresy belongs only to the ecclesiastics; and whereas, all who bear any part in that judgment, as assessors, counselors, notaries, or witnesses, take an oath of secrecy to the inquisitors, whereby the magistrate is no more than the blind executor of the inquisitor's sentence; the Venetian senate, by a



wise distinction, considers three things separately in this affair:—the judgment concerning the doctrine for which any person is to be pronounced an heretic;—the judgment of the fact, viz. who embraces and professes the doctrine!—and, lastly, the pronouncing that sentence. The first is acknowledged to belong to the ecclesiastical court; the two latter, they contend, belong to the secular, and was always formerly administered by seculars, during the Roman empire. And though sometimes, by the indulgence of princes, the two last were allowed to the ecclesiastics, yet the senate of Venice never gave up that authority, but always ordered their deputies, and in other cities of their territories, the magistrate, to be present at all actions of the inquisitors. And so great is their caution, that if any one hath any commerce with the court of Rome, he cannot assist at forming the processes. The proper business of these assistants is, only to be present; and if any thing doubtful occurs, to inform the prince; and therefore they make no promise of secrecy to the inquisitors, but are obliged to let the prince know what is done in the Inquisition. Yea, although one of the clergy, of the same order with the inquisitor himself, be accused before the inquisition, the civil magistrate must be present, nor suffer the inquisitor to proceed, unless he be with him, even after the injunction made. And although the inquisitor will communicate the whole process to him, he must nevertheless be present at it: and if the ecclesiastics should form the process whilst the civil magistrate is absent, he will command it to be resumed before him, even although the process be carried on without the Venetian territories. The senate hath especially taken care that neither the process, nor the persons taken up, shall be sent out of their dominions, unless by the advice and consent of the prince. That this method is observed in the Inquisition at Venice, Father Paul proves, by a plain example, in his history of the Venetian Inquisition, A. D. 1596. One Lewis Petruccius Senensis, was thrown into prison at Padua. And whereas, according to the usual custom of the Inquisition, the Roman inquisitor ought to have sent to Padua, the facts and proofs which he had against him, he, on the contrary, demanded that the prisoner should be sent to him, and urged this matter at Rome to the

Venetian ambassador, and at Venice to the pope's nuncio : but the senate made answer, that it was not proper that that laudable institution of the republic should be altered, which orders the prisoners to be tried in those places where they are taken up and confined ; but that it was just, and agreeable to the received custom, that whatever crimes the prisoner was accused of, should be transmitted to the inquisitor at Padua, that so he might suffer the just punishment of his crime. And they thought this so evident and manifest a piece of justice, that no body could oppose it. This affair was controverted on both sides, by many letters, for five whole years, Petruccius being all the while kept in prison. But at length the Romans, finding they could not get the prisoner into their possession, wrote (A. D. 1601,) to the inquisitor at Padua, to dismiss his prisoner Petruccius ; which created no small suspicion what sort of crime it must be, which they had rather should go unpunished than discover it to the inquisitor at Padua.

The Venetian senate hath also been particularly careful that the Inquisitors shall not have the power of prohibiting books, because they may easily abuse it to the detriment of the commonwealth ; for they oftentimes forbid, or adulterate good books, and useful to the public ; sometimes they prohibit books which have no relation to their affairs ; and sometimes because they arrogate to themselves the censure of all books, they hinder the civil magistrate from prohibiting and condemning books highly injurious to the government.

From these things and others, which might be mentioned from father Paul, but which for brevity I omit, it is evident that the Venetian Inquisition is not so absolutely subject to the Pope as the other Italian Inquisitions are ; and that it is not entirely committed to ecclesiastics, but that the civil magistrate hath a principal share in the management of it.

## CHAP. XVIII.

*The INQUISITION against the APOSTOLICS, TEMPLARS, and others, &c.*

ABOUT the year of our Lord 1300, there was great cruelty exercised upon certain persons called apostolics, in Italy. They seem to have been the offspring of the Albigenses: their rise is thus described by Eymericus.<sup>a</sup> In the times of Honorius IV. Boniface VIII. Nicholas IV. and Clement V. about the year of our Lord 1260, there appeared Geraldus Sagarelli, in the bishopric of Parma, and Dulcinus in that of Novara. They gathered a congregation, which they called apostles, who lived in subjection to none; but affirmed that they peculiarly imitated the apostles, and took on them a certain new habit of religion, A. D. 1285,<sup>b</sup> they were condemned by the letters patent of Honorius IV. beginning, “Olim felicitis recordationis,” and afterwards by Nicholas IV. A. D. 1290.

At length, after their doctrine had prevailed near forty years in Lombardy, Sagarelli was condemned as an arch-heretic by the bishop of Parma, and Friar Manfred the Inquisitor, a predicant, in the time of Boniface VIII. and burnt July the 18th, A. D. 1300. Dulcinus, with six thousand of his followers of both sexes, inhabited the Alps, who run into all manner of luxury, as Pegna says,<sup>c</sup> and gained many proselytes for the space of two or three years; and that with such success, as determined Clement V. to send amongst them inquisitors of the predicant order, to put a stop to so great an evil, either by recovering Dulcinus and his accomplices from their error, or by acquainting him whether these things were so or not, as he had been credibly informed, after they had made a strict and diligent enquiry. Upon their return they reported to the pontiff what they had seen and heard, who upon being acquainted with their horrid wickednesses and impurities, published a

<sup>a</sup> Direct. Inquis. p. 2, qu. 12.

<sup>b</sup> March, Ides. 5.

<sup>c</sup> Direct. p. 2. Comm. 37.

crusado against so heinous an impiety, and promised large and liberal indulgences to all who should engage in so pious a war against such wicked men. An army was accordingly gathered, and sent against them with an apostolic legate; who coming into the places where these false apostles dwelt, and unexpectedly attacking them, they were wholly oppressed by this Catholic army of cross-bearers, partly by hunger and cold, and partly by arms. Dulcinus himself was taken, and eight years after the punishment of Geraldus, was, as an arch-heretic, with Margaret his heretical wife, his partner in wickedness and error, publicly torn in pieces, and afterwards burnt. The opinions which Eymeric attributes to them agree for the most part with those which are ascribed to Peter Lucensis, a Spaniard, excepting that abominable principle of promiscuous lust, of which there is not the least mention in the sentence of the said Peter. From whence we may certainly conclude, that this is a mere calumny upon these apostolics, as well as upon the Waldenses.

In the mean while, the Inquisition raged with no less cruelty against the Albigenes and Waldenses, in France, especially in the county of Tholouse. The most severe methods were employed, in order to bring them back into the church of Rome, those who were not to be prevailed upon, by suffering to renounce their tenets, were burnt without mercy,—and those who from the extremity of torture, were induced to yield, were condemned either to wear crosses, or to perpetual imprisonment.

At the same time the order of the templars was suppressed, by the command of Clement V.

Philip of France, had accused the order of heresies and wickedness, whether on sufficient grounds, or because he envied them their immense riches, it may not be easy to determine. After several councils held on the subject, they were formally condemned in that at Vienna, for their abominable crimes, and all who were in France of that order were seized, as it were by one signal. Most of them either from a love of life, or consciousness of guilt, confessed the crimes they were charged with. Many were condemned and burnt alive, among whom



was John Mola, a Burgundian, chief master of the order, who was barbarously executed, notwithstanding the most pathetic declaration of his own and his order's innocence.

The fury of the Inquisition against the templars, beginning in France, was afterwards extended to all Christian provinces, and after much debate, they were finally condemned, suppressed and dissolved, by an apostolic ordination, and the disposal of their whole property vested in the Roman see.—In consequence of this decree, their effects were every where seized, and they themselves severely punished.

In the same council large power was given to the inquisitors of heretical pravity and the bishops, of proceeding against heretics.<sup>a</sup> One Walter, a Lollard in the city of Crema, and dutchy of Austria, had many followers, who, according to some, had their rise from Dulcinus, who at the command of pope Clement were burnt by the inquisitors, in that city and other places. Their number was large in Bohemia, Austria, and the neighbouring countries. Some affirm they were 80,000. Many of them were burnt in several places of Austria, who all of them persevered in their opinions with great cheerfulness to their death. And therefore, to extinguish both the old heretics, and the new ones that might possibly arise, ample power was given by the Vienna council to the inquisitors and bishops, to proceed against those who were defiled with that impurity, and prisons were ordered to be built to secure them in chains.<sup>b</sup>

In Bohemia the office of the Inquisition was committed to Peregrine Oppoliensis and Nicholas Hippodines, predicants; and to Coldas and Herman, minorites; who were commanded to manifest an holy ardour against the guilty. The pope exhorted John king of Bohemia, Uladislaus duke of Cracow, Boleslaus duke of Wratislaw, and the marquis of Misnia, that they should not suffer religion to decay and be obscured by new errors, but that they should assist the censors of the holy faith. Fourteen men and women were burnt in Bohemia. Walter,

<sup>a</sup> Raynald. A. 1312, sect. 21. Bzovius, A. 1307, sect. 9. A. 1315. sect. 11.

<sup>b</sup> Raynald. A. 1319. sect. 43. Bzovius, A. 1317. sect. 37.

the principal of the sect of the Lollards, was burnt at Colonne, A. D. 1322.<sup>a</sup>

About the same time Pope John, by a letter, No. 190, renewed the constitutions of Clement IV. and other his predecessors, against the Jews, and confirmed by several laws the power given to the inquisitors against them, and commanded the book of the Talmud to be burnt, and such who were convicted of their execrable blasphemies to be punished.<sup>b</sup>

Nor did he shew less severity against the Waldenses, reviving about that time in France: for he ordered that many of them, who were convicted of errors by the inquisitors, who were predicant friars, should be delivered to the princes to be punished according to the ecclesiastical law. There is extant in the Vatican library a large volume of the transactions of these predicant friars against heretics in the kingdom of France, this year of our Lord 1319.



## CHAP. XIX.

### *The INQUISITION against the BEGUINS.*

THE same John XXII. condemned the Beguins of heresy, and commanded the inquisitors of heretical pravity to proceed against them, and to deliver over to the secular court all who continued obstinate in their error, to be punished with death.

These Beguins were monks of the order of St. Francis. They are several times called of the third rule of St. Francis. His rule was, that the friars of his order should have no particular property of their own, neither house, nor place, nor any thing, but should live by begging: this he called evangelic poverty. This rule was confirmed and approved by several popes. But as many believed the observance of it to be above all human strength, many doubts arose concerning it; some contending that they were to renounce the property of all things in particular, but not in common, and that it was no ways contrary to the

<sup>a</sup> Bzovius, A. 1319, sect. 9.

<sup>b</sup> Ibid. sect. 10.

Franciscan poverty to have the possession of things in common, so that they possessed nothing in particular. But Nicholas III. condemned this opinion by a constitution, beginning, "*Exiit qui seminat.*"<sup>a</sup> However, though all property was taken from these friars, as well in common as in special, yet were they not deprived of the use of what they had. For Martin IV. published a bull,<sup>b</sup> by which he ordained that the property, the right and dominion of every thing which the friars had by donation or legacy, should be in the church of Rome; but that the friars should have the use. He also allowed the ministers and keepers of the order, the faculty of naming administrators, stewards, syndics, who in the name of the church of Rome, and for the advantage of the friars, may receive and demand alms and legacies, and sue for the recovery and preservation of them. Clement V. confirmed the same in the council of Vienna, by a constitution, beginning, "*Exivi de paradizo,*" extant among the Clementines. However, Clement allowed, that when it appeared very likely, even from experience, that they could not otherwise secure the necessities of life, they might have granaries or storehouses, in which they might reposit and keep whatever they could get by begging. He left, indeed, the ministers and keepers to judge of such necessity, and gave it in special charge to their consciences.

Against this, those who were called Beguins protested, declaring they were of the third rule of St. Francis. They contended that the Franciscans ought in no case to have granaries or storehouses, because this was contrary to the perfection of the Franciscan poverty; that the Pope had not authority to dispense with the rule of Francis, and that if he did, his decrees were of no force, and might justly be disregarded. One of them who lived at this time, Peter John Olivus, who wrote a postill on the Apocalypse, applied to the Pope and church of Rome the things spoken of the beast, and the whore of Babylon, of which frequent mention is made in the collection of the sentences of the Tholouse Inquisition.

John XXII. succeeded Clement, who, by several constitutions, condemned the tenet of the Beguins, and allowed the

<sup>a</sup> Sext. Decret. de verb. sign. cap. 3.

<sup>b</sup> Feb. Cal. 10. 1282.



Franciscans, that by the judgment of the heads of the order they might lay up and preserve corn, bread and wine in granaries and storehouses. The Beguins believed that such a concession derogated from the sublimity and perfection of their rule and poverty, and therefore warmly opposed it; and in order to defend their own rule, dared to deny the authority of the Pope: upon this account they were declared heretics, and commandment was given to the inquisitors of heretical pravity, to bring them before their tribunal, and to proceed against them as heretics.

This decree was dated from Avignon.<sup>a</sup> Soon after four friars minors,<sup>b</sup> about the year 1318, were condemned and burnt as heretics at Marseilles by the inquisitor of heretical pravity, who was himself a friar minor, because, as they say, they were resolved to adhere and keep to the purity, truth and poverty of the rule of St. Francis, and because they would not consent to make the rule less strict, nor receive the dispensation of the lord Pope John XXII. made concerning it, nor obey him nor others in this affair. Others of the same order assert, that these four were unjustly condemned, and affirm them to be glorious martyrs, and that the Pope, if he consented to their condemnation, was an heretic, and forfeited his power. Upon this, the three next years, viz. from the year 1318, or thereabouts, they were all condemned for heretics by the judgment of the prelates and inquisitors of heretical pravity in the province of Narbonne, Beziers, Lodun in the diocese of Agde, and at Lunelle, and the diocese of Magalone, who believed that the aforesaid four friars minors were holy martyrs, and who believed and held and thought as they did concerning evangelical poverty, and the power of the Pope, viz. that he lost it, and was become an heretic. Many however privately gathered up the burnt bones and ashes of these four friars, who had been condemned as heretics, and kept them for reliques, and kissed and worshipped them as the reliques of saints; yea, some marked their names and the days in which they suffered in the calendars.

<sup>a</sup> Feb. Cal. 10. 1318:

<sup>b</sup> Eymer. Direct. Inq. Par. 2. Quæst. 15.



Thus, from a controversy originally of no moment, rose up at length, through the warmth of men's minds, a dismal tragedy; and after the Pope's authority began to be called in question, a severe persecution was raised against the Beguins. In the book of sentences of the Tholouse Inquisition there are several sentences pronounced against the Beguins, by which they are declared heretics, and delivered over as such to the secular court.

But the affair did not end here, friar Berengarius, in a council of many divines and lawyers, summoned by the bishops and inquisitors of Narbonne, defended the cause of the Beguins.—This conduct of Berengarius was considered heretical, and occasioned a controversy, in which all the academies and learned men throughout the world, were commanded to take part, in the discussion of this question.—Whether it was not to be esteemed heretical to affirm, that our Lord Jesus Christ and his Apostles, had nothing in special or in common.—At Perouse this was declared to be lawful and not heretical.

When this opinion was given, the Pope published an edict concerning the use of things distinct from property;—but when the procurator of the order, dissatisfied with this edict, protested against it.—They were pronounced heretical, and some of their favourers, among whom was William Ockam an Englishman, were in the year 1329 pronounced heretics, arch-heretics and schismatics, incapable of any ecclesiastical office or privilege, and subject to all the punishments, spiritual and temporal which are due to such.

Cassenas, general of the order, was not however, terrified by these denunciations: he lived in safety under the protection of Louis of Bavaria,—upon which the Pope renewed the curses he had pronounced against them, and enjoined that his sentences against them should be repeated, every week, in every convent on pain of excommunication.

## CHAP. XX.

*The PROCESS against Matthew Galeacius, Viscount Milan, and others.*

DURING this quarrel with the Beguins, sentence of excommunication was pronounced against Matthew Galeacius, viscount Milan, and against his sons and followers.<sup>a</sup> Hereby all the cities and lands, subject to their government (as is declared in the sentence against Castruccijs Gerius) and of his party were put under an ecclesiastical interdict,<sup>b</sup> and many heavy sentences published against all persons who adhered to them, favoured, obeyed or assisted them; and that solemn indulgence, which was always granted to those who assisted in the recovery of the holy land, was openly preached against them. The city itself was deprived of its charter and all its privileges and immunities whatsoever; and all the citizens and inhabitants favouring the said condemned Matthew, given up to be seized by the faithful, to be made their slaves by full right, their effects granted to any one that could lay hold of them, and their debtors upon any account freed from all their debts, whatever instrument or oath they were bound by. Farther, all who sent or bought, or carried provisions, or any other things useful in life, to the city of Milan, or who received pay from them, were sententially excommunicated. Matthew despised these papal censures, and continued more than three years under excommunication. To revenge this contempt of his censures, John XXII. prosecuted him for heresy, as contemning the authority of the church, and her sacred rites; and commanded Aycard, archbishop of Milan, and the inquisitors of heretical pravity in Lombardy, to proceed with all vigour upon the said crime of heresy; who after several citations, at last pronounced the definitive sentence against him.

The Pope also commanded the archbishop and inquisitors,

<sup>a</sup> Raynald, A. 1320. sect. 13.—A. 1322. sect. 5, &c.

<sup>b</sup> Bzovius, A. 1322. A. 1324. sect. 14.

that they should proceed against all who adhered to viscount Matthew and his sons, as against favourers of heretics condemned by the church, and punish according to the ecclesiastical law, all who were convicted of being of his party, and of the other crimes. The bishop of Parma and two abbots published these sentences, and commanded the Anathemas to be every where proclaimed; and ordered Raymond Cardonus to gather an army to chastise the rebels. Several cities were taken, and the viscount routed. The senate and people of Milan not enduring thus every day to be condemned, and forbid divine services, sent twelve men to the legate, to beg peace and absolution. Matthew quite broke by these evils and others that threatened him, resigned the principality to his son Galeacius, and ordered himself to be carried into the principal church, where he complained that he was unjustly accused of heresy; and protesting by an oath that he was without any crime deprived of divine services, he appealed to God, the righteous judge, that he was condemned most unrighteously by the factious legate, and forced to abandon his country. Thus departing from the city, and making the same profession the day after in the church of St. John Baptist at Monza, he fell into a fever, and died some days after with grief and sorrow. His sons buried him in a private mean place, concealing for some time his death, lest his body should have been burned, according to the order of the cardinal legate and inquisitors, October 30.<sup>a</sup> They used the most exquisite diligence to find it out, but could not discover it, though they pronounced many anathemas against those who knew where it was laid, and would not reveal it.<sup>a</sup>

The like sentence was pronounced not many years after by the same Pope, against Marsilius Paduanus, and John Jandunus, assertors of the imperial authority against the unjust usurpations of the Pope, who pronounced them heretics, and manifest arch-heretics, and commanded all who followed their doctrine, to be universally accounted as heretics. He farther enjoined all the faithful that they should not presume to

<sup>a</sup> Bzovius, A. 1327. sect. 7.

receive, defend, maintain, or afford, by themselves, or any other or others, publicly or privately, directly or indirectly, any assistance, counsel or favour to them, or any of them, but that they should rather avoid them as manifest heretics. Finally, he orders the faithful to seize on them, that they might prosecute them with a zeal becoming the faith; and to take them wherever they could find them; and when taken, to deliver them to the church, that they might undergo the deserved punishment.

## CHAP. XXI.

*The INQUISITION introduced into Poland, and restored in France.*

AS nothing was more serviceable to enlarge the papal jurisdiction than the office of the Inquisition, the popes were continually endeavouring to promote it; and to establish it in those kingdoms and countries, that hitherto had been free from so grievous a yoke, that there might not be any place of shelter or refuge in the whole Christian world to such as should in the least contradict their decrees.<sup>a</sup> A. D. 1327. Pope John XXII. by letters to the king and prelates of Poland, and to the provincial of the predicator friars of the same kingdom, appointed the Inquisition in Poland, which in the year following, 1436, Uladislaus Jagello, king of Poland, confirmed and enlarged, by a royal edict, granting them the most ample power, and commanding all the magistrates to give them all manner of assistance in the execution of their office.<sup>b</sup>

At this time the Inquisition began to decline in France; but as there was a pretty large number of the Waldenses remaining in Dauphiny, and their religion began to spread wider, Gregory applied himself to Charles king of France.

<sup>a</sup> Bzovius, A. 1327. sect. 18, &c.

<sup>b</sup> Raynald, A. 1375. sect. 26, 27.



He put him in mind of the examples of his predecessors in destroying heretics, and admonished him to suppress the nobles of Dauphiny, who took the heretics under their protection; and that he should support the authority of the inquisitors, not only by severe edicts, but by sending some royal officer to their assistance. King Charles yielded to the Pope's desires; and after the manner of his ancestors, by a royal edict, commanded that heretics should suffer the severest punishments; and that the magistrates in Dauphiny should assist and aid the officers of the Holy Inquisition. Antonius Massanus, apostolic inter-nuncio, acted in this affair with such zeal, that the prisons were scarce sufficient to hold the criminals; nor was their provision enough for their support. Gregory having been consulted in this matter, ordered, that as the great number of heretics was owing to the negligence of the prelates, the revenues of the churches should be applied to that use; and commanded new and stronger jails to be built at Arles, Ambrune, Vienne, and Avignon, and granted indulgences to the faithful who should contribute to the work.

From France, those who were called<sup>a</sup> Turelupini, went into Savoy: and therefore the Pope commanded Amedæus, count of Savoy, to condemn them to the flames, and assist the inquisitors. Bzovius adds,<sup>b</sup> "It came to pass, that this savage and brutal sect was condemned, burned, and wholly extirpated this year." And again: "many of these heretics were burned in France at the Pope's command." But this horrid cruelty could not last long, and proved at last fatal to the judges themselves. For in Savoy the inquisitors were killed, by those unquestionably who were afraid that the like cruelty would be practised towards themselves; which when the Pope heard of, he endeavoured to render the murderers hateful to count Amedæus, putting him in mind, that he had given a most excellent example of defending the faith by his victories over the Turks, and recovering Callipoli from them; and that therefore he hoped

<sup>a</sup> Some of the followers of the Waldenses; so called, according to Popish writers, because they inhabited only those places which were exposed to wolves. *Da Fresne in Voce.*

<sup>b</sup> Bzovius, A. 1372. sect. 7. Raynald, A. 1375. sect. 27.

he would not suffer the blood of those orthodox prelates, who were slain out of a real hatred to piety, to be shed with impunity.

## CHAP. XXII.

### *Of WICKLIFF, HUSS, and the INQUISITION against the HUSSITES.*

ABOUT this time John Wickliff arose in England, and not only opposed the errors but the power of the Roman pontiffs.

His conduct aroused the Papal anger, and the Pope addressed letters to the university of Oxford, requiring them to suppress his doctrines, and send him in custody to the archbishop of Canterbury or bishop of London.—He then addressed those prelates, requiring them to have Wickliff apprehended and put in irons till they received his further orders.—The Pope also wrote to Edward king of England, requiring him to aid the bishops in the execution of his commands.

After the death of Wickliff, king Richard commanded all his writings to be burned, and urged on by the Pope, sanctioned the proceedings of a synod, held in London by the Pope's legate, in which were condemned eighteen articles from his writings, and by which many were condemned to the flames.—The archbishop of Canterbury also appointed this penance to those who abjured. That in the time of public prayer in the open market, they should go in procession only with their shoes on them, carrying in one hand a burning taper, and in the other a crucifix, and that they should fall thrice on their knees, and each time devoutly kiss it.

Soon after arose John Huss, in Bohemia, and began publicly to reprove the dissolute lives of all the orders.

Whilst he inveighed only against the seculars, all the divines applauded him; but when once he began openly to reproach

them for their corrupt manners and vices, they abhorred and detested him, and used their utmost endeavours to destroy him.

At that time, A. D. 1400, Jerome of Prague returned from England, and brought with him Wickliff's writings, which Huss approved. Hence the articles of Wickliff found many adherents, and were again examined and condemned by the papal partizans, and above 200 volumes fairly written out and adorned in curious bindings were burned.

Not long after this, Huss offered certain things to be disputed publicly, in which he opposed the granting of indulgences.—Jerome of Prague also shewed their vanity.—At length after many processes, the council of Constance was assembled, at which Huss was ordered to appear and give account of his doctrines; and that Huss might not be in fear for his personal safety, the emperor Sigismund pledged himself for his protection. The result of the deliberations in this council, was that 45 articles in Wickliff, and 30 in Huss, were declared heretical. The books of Wickliff were condemned, and his bones if they could be found, were ordered to be burnt.

But this holy synod did not stop here, for notwithstanding the safe conduct of Sigismund, they violated that solemn pledge to John Huss; and not satisfied with condemning his doctrines, they laid their hands upon his person and burned him alive; an act, which the wretched emperor Sigismund could sanction, on the plea that he had promised, what it was not in his power to perform, because as dutiful children of the church, emperors and kings must give way to her authority, and because it is unlawful to maintain, good faith with heretics.

Afterwards Jerome of Prague, terrified with the dreadful fate of Huss, renounced through human infirmity these doctrines; but soon recovering his courage, he boldly asserted and defended them before the whole council, and was in consequence condemned as a relapsed heretic and burned.

Wickliff, Huss, and Jerome, with their doctrines, being thus condemned, the same punishments were, by the letters of Martin V., extended to all their followers; by these letters it

was enjoined, that all who approved their doctrines, and were their abettors, should be delivered over to the secular power; by his decrees the inquisition was restored and established in the kingdom of Bohemia, whereby many were condemned of heresy and put to death, by various punishments some being burned alive, others thrown into the river tied hands and feet and so drowned, and others destroyed by different methods of cruelty.

### CHAP. XXIII.

#### *Of the INQUISITION in VALENCE, FLANDERS, and ARTOIS.*

HITHERTO the kingdom of Valence had no particular inquisitor of the faith.<sup>a</sup> The inquisitor at Roses in Catalonia exercised the holy office in that kingdom by his vicars and commissaries, so that they could not make so large a progress in converting the Jews and Moors, of whom great numbers lived there. And therefore Pope Martin, at the request of King Alphonsus, by letters dated at Florence,<sup>b</sup> decreed, that the office of the inquisition in the kingdom of Valence, should, for the future, be governed and administered, without any impediment, not by commissaries and vicars, but by an inquisitor deputed by the prior, to whom that affair belongs, who is to reside there personally himself, and act as principal.

About the year 1460, the inquisition raged cruelly in Flanders and Artois,<sup>c</sup> against certain persons, who were falsely accused of magic, and being in league with the devil, who, to render the Waldenses odious, were called Waldenses, and the place in which they were said to have their nightly meetings, Waldesia. At Doway, Arras, and other places, many of them were thrown into prison at several times, at the demand of Peter Brussard, inquisitor, where being overcome with tor-

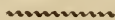
<sup>a</sup> Bzovius, A. 1419. sect. 20.

<sup>b</sup> April Cal. 6, 1419.

<sup>c</sup> Boxhorm. Hist. Belg. p. 42, &c. J. Le Clerc Dom. de Beauvoir.



ments, they confessed every thing they were charged with, and, amongst other things, that they had given themselves to the devil, adored him, and known him carnally, and other incredible things of the same kind. When they were condemned to the fire, they protested themselves innocent, and publicly declared with a loud voice that they never were in Waldesia, as they called the place of this nightly meeting of witches and devils; but that they were deceived by their judges, who by fair promises of saving their lives and estates, if they would confess the crimes objected to them, drew from them a false confession of crimes they were never guilty of. Others said, that they extorted a false confession from them by torments, finally beseeching the by-standers to pray for them to God, to whom they committed their souls in the midst of the flames. But their innocence afterwards appeared; for in the year 1491, these miserable creatures, with others thrown into prison on the same account, were declared innocent by the sentence of the parliament of Paris, and had their effects restored to them, and their unrighteous judges were severely fined.



## CHAP. XXIV.

### *Of the SPANISH INQUISITION.*

IN the preceding chapters we have seen how the inquisition was brought into several parts of Spain, but as yet it had not been established in Castile and Leon. But after Ferdinand and Isabel had united their several kingdoms by their marriage, and had subjected the Moors, they ordered tribunals of the inquisition to be erected throughout their dominions.

The motives which they avowed for these measures were, that the promiscuous intercourse of Moors, Jews, and Christians, rendered it needful to watch over the faith.<sup>a</sup> It is highly probable, however, that they were not ignorant of the support

<sup>a</sup> Bzovius, A. 1478. sect. 14.

which their government might derive from this court, besides which they had views towards obtaining the sovereignty of Europe, which rendered the favour of the popes very important.

Seville obtained the credit of being most infected with heresy, and here many were tortured and destroyed. A man named Gusman,<sup>a</sup> who had imbibed the spirit of Hojeda, prior of the convent of St. Paul, and a furious zealot, contrived to secrete himself in the house of a Jew, where several Jews had accustomed themselves to assemble for the practice of religious ceremonies; Gusman having placed himself so as to be an eye-witness of these things, immediately communicated the account to the prior, who represented it to the king and queen, and having obtained command to proceed against them, put six persons in irons; and afterwards added many more, some of whom, after long imprisonment and torture, were condemned to the flames; others had their estates confiscated, and were condemned to eternal darkness and chains, while the families of others were branded with infamy. Human nature could not but revolt a little, notwithstanding the power of superstition, at such outrages. Many of the provincials were staggered when they saw children suffering for the crimes of the parents, and the accused condemned at the suggestion of any private enemy, without being confronted with the accuser.

But most of all the inquisition was feared on account of its spies, who were scattered in all the cities, towns, and villages, and thus created perpetual alarm. However, the iron hand of power soon silenced all objections, and the tribunal of the inquisition obtained a most complete establishment all over Spain.

Ferdinand and Elizabeth, out of their pious zeal, besought the pope to confer on them the power of creating inquisitors in the kingdom of Castile and Leon, a favour which the pope granted, as applied to Seville, and by which vigorous measures were adopted.

<sup>a</sup> Param. l. 2. t. c. 3. n. 2.

Within the time limited for persons voluntarily to confess their sins, with the hope of pardon, about 17,000 of both sexes appeared. Many who refused were afterwards compelled, by the violence of their torments, to confess, and were thrown into the fire. Some were condemned to perpetual imprisonment, some to wear crosses; the bones of others were taken from the graves—burnt to ashes, their property confiscated, and their children deprived of their honours and offices. In consequence of these proceedings an immense spoil fell into the hands of the persecutors; for most of the Jews fled, upon the whole of whose property their Catholic majesties laid hands, and employed it for the purposes of the war against the Moors.

In Andalusia and Granada alone, those who fled with their wives and children, left five thousand empty houses: and in the city and diocese of Seville, there were above one hundred thousand persons, alive or dead, present or absent, who were either condemned or reconciled to the church.

Different opinions have existed respecting the time when the inquisition was introduced into Spain; the most agreed place this event in the year 1483 or 1484, when the supreme council was arranged, and the first inquisitor-general chosen.

The mode of proceeding, with regard to the Spanish inquisition, is as follows: the King, chooses the first, or Supreme Inquisitor, whom the pope confirms; this inquisitor is invested with full power in all cases of heresy, and is chief of the inquisition in the whole kingdom. He appoints the subordinate inquisitors (subject to the king's approval) deputed visitors to the different provinces, and grants dispensations to penitents.

In the royal city the king appoints the supreme council of the inquisition, over which the supreme inquisitor of the kingdom presides. He hath joined with him five counsellors, who have the title of Apostolical Inquisitors, who are chosen by the inquisitor-general upon the king's nomination. One of these must always be a Dominican,<sup>a</sup> according to the constitution of

<sup>a</sup> Carena, tit. 3.

Philip III.<sup>a</sup> Besides these, there is an advocate fiscal, two secretaries, and one of the king's, one receiver, two relators, several qualificators, and counsellors. There are also officials deputed by the president, with the king's advice. The supreme authority is in this council of the inquisition. They deliberate upon all affairs with the inquisitor-general, determine the greater cases, make new laws according to the exigency of affairs, determine differences amongst particular inquisitors, punish the offences of the servants, receive appeals from inferior tribunals, and from them there is no appeal but to the king. In other tribunals there are two or three inquisitors: they have particular places assigned them, Toledo, Cuenca, Valladolid, Calahorre, Seville, Cordoue, Granada, Ellerená, and in the Aragoñs, Valencia, Saragossa, and Barcelona.

These are called Provincial Inquisitors.<sup>b</sup> They cannot imprison any priest, knight, or nobleman, nor hold any public acts of faith, without consulting the *supremé* council of the inquisition. Sometimes this supreme council deputes one of their own counsellors to them, in order to give the greater solemnity to the acts of faith.

These provincial inquisitors give all of them an account of their provincial tribunal, once every year, to the supreme council; and especially of the causes that have been determined within that year, and of the state and number of their prisoners in actual custody. They give also, every month, an account of all monies which they have received, either from the revenues of the holy office, or pecuniary punishments and fines.

This council meets every day, except holydays, in the palace royal, on Mondays, Wednesdays, and Fridays, in the morning, and on Tuesdays, Thursdays, and Saturdays, after vespers: in these three last days, two counsellors of the supreme council of Castile meet with them, who are also counsellors of the supreme council of the Inquisition.

This tribunal is now arisen to such a height in Spain,<sup>c</sup> that

<sup>a</sup> Dated Dec. 16, 1618.

<sup>b</sup> Carena, tit. 3. sect. 8, &c.

<sup>c</sup> Carena, tit. 3. sect. 12.



the king of Castile, before his coronation, subjects himself and all his dominions, by a special oath, to the most holy tribunal of this most severe Inquisition.

This office is not, as formerly, committed to the Predicant or Dominican friars.<sup>a</sup> They began to employ in it the secular clergy, who were skilful in the decrees and laws, till at last the whole power gradually devolved on them, so that now the Dominican friars have no part in it; though the inquisitors oftentimes use their assistance, in judging of propositions, and they are employed as counsellors in the holy office.

The first inquisitor general in the kingdoms of Spain, was friar Thomas Turrecremata, a Predicant, prior of the monastery of the Holy Cross at Segovia, who was in high esteem with their majesties, as having often expiated their sins by penance. Paramus relates, that he was created inquisitor general of the kingdoms of Castile and Leon, by Sixtus IV. A.D, 1483, and that the pope gave him power, by his letters, of making such inquisitors as he thought proper, and of recalling those who had been inquisitors there before; and ordered him to make use of the new method appointed in managing causes of the faith, which was much more proper than the old one. Afterwards, the same pope made the provinces of Aragon, Valencia, Catalonia, and Sicily, subject to the supreme inquisitor of Castile and Leon, by his bull, expedited the same year, 1483. — This bull Innocent VIII. who succeeded Sixtus in the pontificate, confirmed, as far as it related to Castile and Leon, A. D. 1485, and the next year, as it related to Aragon, Valencia, and Catalonia. Alexander VI. did the same.

In the year 1485, the Inquisitors acted with great severity in the town of Guadaloupe. They held several acts in a pulpit, and on a scaffold erected in the church-yard. Here friar Dedachus Marchena, an heretical monk, and fifty-two for judaizing, of both sexes, were delivered over to the fire; forty-six bodies of heretics were dug out of their graves, and adjudged to the flames; the images of twenty-five absent persons

<sup>a</sup> Pegna in Direct. par. 3. comm. 32.

burnt; sixteen condemned to perpetual punishment; besides an immense number sentenced to the galleys, and others condemned to wear consecrated coarse garments, as a mark of perpetual penance and infamy. And when the Fathers, inquisitors, were leaving Guadaloupe, they published an order, requiring, that all Jews, of every age, should quit that place within one month, on pain of death.

Though many miracles were reported to have been wrought by the Virgin Mary, in confirmation of the holy office, such were its tremendous effects, that the people dreaded its introduction; and upon its extension to Castile, Aragon, Catalonia, Valencia, and Sicily, it experienced great opposition. In Aragon, powerful arguments were employed, in addition to which, large sums of money were sent to the pope, and to the king; which producing nothing, the people broke into open tumult,<sup>a</sup> and killed Peter Arbuesius, the inquisitor at Saragossa, as he was saying his prayers, before the high altar. The principal persons, however, were soon taken, and suffered the most dreadful punishments; whilst the Inquisition triumphed under the fostering care of Ferdinand and Isabel, who gave the royal palace at Saragossa to the judges of the faith.

The Inquisition had always a firm friend in Ferdinand, who, after he had conquered the Moors,<sup>b</sup> introduced this tribunal into the city of Granada, for the purpose of exterminating the Jews.

These unhappy persons were allowed four years, within which they were either to embrace the Catholic faith, or depart the kingdom; and after that time, all others were forbid intercourse with them, or to afford them any assistance or provisions, under a severe penalty.

Thus circumstanced, the oppressed Jews sought, by the payment of a large sum, to avert the pending calamity; but being defeated in their object, by the zeal of Thomas Turrecremata,<sup>c</sup> the inquisitor general, who rudely entered the presence of the king and queen, and compared such a deed to that of Judas. The laws were enforced, and the Jews expelled.

<sup>a</sup> Raynaldus, A. 1465. sect. 21. 22.

<sup>b</sup> Simanc. tit. 35, sect. 7.

<sup>c</sup> Bzovius, A. 1494. sect. 39.

The number of those who were banished from Spain were, according to some, four hundred thousand. Mariana says, it is not easy to reduce them to any certain number; but most writers affirm, there were 170,000 families<sup>a</sup> that departed, and a few who staid behind were sold for slaves; it was further also provided, that in future, no Jew should ever again enter Spain, on pain of death and confiscation.

The Jews being thus driven from Spain,<sup>b</sup> fled into Portugal, and obtained from king John, under certain conditions, that they might live there for a season. The conditions were chiefly, that every one should pay to the king, eight pieces of gold, and leave Portugal within a limited time; forfeiting their liberty if they exceeded it; they were promised free liberty to sail away; but the extortion and horrible abuses, which they experienced from the captains and others of the ships, struck them with such terror, that they preferred incurring the penalty of over-staying their time, to getting into their power. Thus they lost their liberty; and it became usual for any who wanted a Jew servant, to beg him of the king. On the death of king John, however, his successor, Emanuel,<sup>c</sup> granted them their liberty; but was some time after advised, by the king and queen of Castile, not to suffer that wicked nation, hated of God and man, to abide in Portugal. After mature deliberation, he commanded all the Jews and Moors in Portugal, who would not profess the Catholic faith, to depart by a certain day, or lose their liberty.<sup>d</sup>

The Moors immediately obeyed the king's decree, and passed over into Africa.<sup>e</sup> But as the Jews were preparing to do so, the king commanded, that all their children, who were not more than fourteen years old, should be taken from their parents, and educated in the Christian religion. It was a most afflicting thing to see children snatched from the embraces of their mothers, and fathers embracing their children, torn from them, and even beat with clubs; to hear the dreadful cries they made, and every place filled with the lamentations

<sup>a</sup> Raynaldus, A. 1492. sect. 7. 8.

<sup>b</sup> Bzovius, A. 1496. sect. 15. 16.

<sup>c</sup> Raynald. A. 1496. sect. 26, &c.

<sup>d</sup> Ibid.

<sup>e</sup> Bzovius, A. 1497, sect. 27.



and yells of women. Many, through indignation, threw their sons into pits, and others killed them with their own hands.—Oppressed in this way on one hand, and by the difficulty of obtaining shipping on the other, many chose rather to make profession of Christianity, than live in such misery, and being baptized, recovered their rights and privileges.

In the year 1500, Francis Ximenes, archbishop of Toledo,<sup>a</sup> by the pope's persuasion, took great pains to convert the Moors of Granada to the Christian faith. He first of all gained over their chief priests, which they call Alfaquins, by gifts and favours. A great number followed their example. However, others vigorously opposed Ximenes, and endeavoured to deter the Moors from Christianity. Ximenes ordered these to be put in irons in prison, and to be very cruelly used. Of this number was one Zegri, who was the most powerful amongst them, upon account of the nobility of his birth, and his excellent qualifications of mind and body. Ximenes, laying aside almost all humanity, determined to punish him most severely. He delivered him to one Peter Lyon, his chaplain, a man of a truly lion-like mind, who soon brought him to Ximenes's beck, and made him in a few days desire to be carried before the Alfaquin of the Christians. Bound and dirty as he was, he came before Ximenes, and declared he would be a Christian, for that he had had a vision from Ala (as the Moors call God) that night, admonishing him to it. "But truly," says he, laughing, "I am a fool to seek for arguments any where else, but from thy fierce Lyon, to whose keeping, if any of us are committed, they will immediately become Christians." Upon this he declared himself a Christian, and was baptized, and experienced Ximene's bounty. He was afterwards of great service, not only in promoting Christianity amongst his countrymen, but to the commonwealth. Ximenes, glorying in this success, commanded all the Alcorans, and all other books whatsoever, that had any thing in them of the Mahometan superstition, to be brought publicly together. There were about 5000 volumes, which were all openly burnt in one heap to a single book, ex-

<sup>a</sup> Bzovius, A. 1500, sect. 16.



cept some few relating to medicine, which, for the honour of so useful an art, were saved from the flames, and laid up in the Complutensian library.<sup>a</sup>

One of Ximenes's family, called Salzedus, came with two servants to the Albaizinum. This is a place in the city of Granada, craggy, and hanging over the rest of the city, and separated from it by its own walls. When they were come here, first there arose reproachful words between them and the inhabitants, at last they came to blows, and the two companions of Salzedus were killed by the multitude. Salzedus fled for it, and with great difficulty escaped. However, the tumult increased, so that the whole city was in an uproar. Their design was to pull down the house of Ximenes. The tumult lasted ten days, and was at last suppressed by the garrison. The Albaizinenses were condemned for high treason, and had the choice given them of death or baptism, upon which, to a man, they embraced Christianity. The Archbishop of Granada took care to have them daily instructed in the Christian mysteries. He also ordered some lessons out of the Old and New Testament to be read to the new converts, in the Moorish language, and permitted the printing of some books, in which some parts of the service of the mass, and some passages of the gospel, were translated into Arabic. But Ximenes would not suffer it, saying, "it was a sin to throw pearl before swine." He allowed, indeed, the use of some books written by pious men in the vulgar tongue; but said, "That the Old and New Testament, in which there were many things that required a learned

<sup>a</sup> Bzovius adds:—"There were, however, many who thought it unjust, and altogether contrary to the nature of Christianity, to compel any one by force, and such like arts, to profess the faith of Christ, the entire tendency of which is gentleness, and which requires especially a ready and sincere mind. Besides that in the councils of Toledo, which are reckoned sacred by all Christians, it is determined, in the most solemn manner, that no one should be forced to believe in Christ. But he followed his own judgment, and in the midst of danger, shewed the constancy of his mind, and declared in this important case the invincible resolution of his soul. For in all human affairs every great undertaking is sure to raise envy, which oftentimes overthrows the noblest designs, and, by a thousand difficulties, renders them impracticable."

and attentive reader, and a chaste and pious mind, should be kept in those three languages only, which God, not without the greatest mystery, ordered to be placed over his dear Son's head, when he suffered the death of the cross;" and affirmed, "That then Christianity would suffer the greatest mischief, when the Bible should be translated into the vulgar tongues."

This tumult spread beyond the kingdom of Granada. Ximenes, by the permission of the inquisitors, endeavoured to force certain Moors, called Elches, who had embraced Christianity, and afterwards rejected it, to become Christians again, and commanded their children to be violently taken from them, and baptized. This was the beginning of troubles, which afterwards grew to such an height, that the Moors formed a conspiracy, and rebelled in many places. But as their forces were inferior to the Spaniards, they were subdued, and compelled to turn Christians. The king granted, that as many as would, should go over to Africa, and provided them with ships to transport them at the port of Astopa, demanding from every one that went over, ten pieces of gold only, as the price of their liberty. They who would not leave their country, he ordered to become sincere Christians. This agreement being made, many went into Africa, though most of them remained in Spain, pretending themselves to be Christians, but not a jot the better than those who left it, being of a very obstinate and wicked disposition.

A. D. 1501, Ferdinand, king of Castile, at the instigation of Pope Alexander, took great pains in catechising the Moors, and preventing their apostacy. He published an edict in Castile, against the Moors in that province, and especially against those of Andalusia, Granada, and Aragon, commonly called Mudegiars, who lived and traded promiscuously with the pious, that unless they would become Christians, they should depart his dominions within a certain day.

Upon the death of Ferdinand, Charles succeeded him.<sup>a</sup> The new converts offered him 800,000 pieces of gold, if he would

<sup>a</sup> Bzovius, A. 1501, sect. 13.

command, that the witnesses at the tribunal of the inquisition should be always made public. The young king, who was about eighteen years old, had a great mind to the money. But Cardinal Ximenes, inquisitor-general, shewed him the great danger of such a method, and that the church would receive great injury by it, and by putting him in mind of his grandfather Ferdinand, prevailed with the king to refuse the offer.

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## CHAP. XXV.

### *Of the INQUISITION in Portugal.*

WE have related in the former chapter, how that the Jews being driven out of Spain, were received under certain conditions by the king of Portugal. However, not many years after, he erected the tribunal of the inquisition in his kingdom, after the model of that in Spain. Bzovius speaks of this affair, describing the death of King John III.<sup>b</sup> “How great his zeal was to maintain the faith in its ancient splendour, his introducing the sacred tribunal of the inquisitors of heresy into Portugal, is an abundant proof, bravely overcoming those difficulties and obstructions, which the devil had cunningly raised in the city, to prevent or retard his majesty’s endeavours. For he learned experience from others, and grew wise by the misfortunes of many kingdoms, which, from the most flourishing state, were brought to ruin and destruction by monstrous and deadly heresies. And it is very worthy observation, that the year in which the tribunal of the holy inquisition against heretical pravity was brought into Portugal, the kingdom laboured under the most dreadful barrenness and famine. But when the tribunal was once erected, the following year was re-

<sup>a</sup> Ibid. A. 1557. sect. 56, 57.

markable for an incredible plenty, commonly called The Year of St. Blase, because, before his festival, which was on the 3d of the Nones of February, the seed could not be sown in the ground for want of rain, whereas afterwards provision was so very cheap, that a bushel of corn sold for two-pence."

Tribunals of the inquisition were erected in the several cities of the kingdom of Portugal. The inquisition at Evora was erected by Didacus de Silva, first inquisitor general, A. D. 1537, of which the first inquisitor was John de Mello, doctor of the Papal law, and afterwards bishop of Algarva, and at last archbishop of Evora, appointed by Didacus, the former year one of the four counsellors of the supreme general inquisition. The Lisbon inquisition was erected by Cardinal Henry, second inquisitor-general, A. D. 1539, over which he appointed for first inquisitor, John de Mello, who had been made first inquisitor at Evora, by Didacus de Sylva. The same cardinal also fixed the inquisition at Coimbra, A. D. 1541, and placed in it two commissary inquisitors, viz. Friar Bernard of the cross, a predicant, bishop of St. Thomas, and rector of the university of Coimbra, and Gomezius Alphonsus, batchelor of the canon law, and prior of the collegiate church of Aveiro. And finally, the inquisition was set up at Goa, in the Indies. Francis Xaverius, signified by letters to King John III.<sup>a</sup> "That the Jewish wickedness spread every day more and more in the parts of the East Indies, subject to the kingdom of Portugal; and therefore he earnestly besought the said king, that to cure so great an evil he would take care to send the office of the inquisition into those countries. Upon this Cardinal Henry, then inquisitor-general in the kingdom of Portugal, erected the tribunal of the holy inquisition in the city of Goa, the metropolis of that province, and sent into those parts inquisitors, officials, and other necessary ministers, who should take diligent care of the affairs of the faith. The first inquisitor was Alexius Diaz Falcão, sent by Cardinal Henry,<sup>b</sup> who came to Goa the end of that year, and began to execute the office of inquisitor.<sup>c</sup>

<sup>a</sup> November 10, 1545.

<sup>b</sup> March 15, A. 1560.

<sup>c</sup> [John Peter Maffei, *Hist. Indic.* l. 16. p. 758, 759, gives a more dis-



After the inquisition had been introduced into Portugal,<sup>a</sup> three general indulgences were granted to the whole nation of the descendants from the Hebrew converts, in the whole kingdom and dominions, subject to it, and which were published all over the kingdom. The first was granted by Clement VII.,<sup>b</sup> by a bull, which had not its effect. Afterwards Paul III., who succeeded Clement in the popedom, confirmed the general indulgence which he had given, and granted it anew,<sup>c</sup> and afterwards, A. D. 1536, sent letters to erect the holy tribunal of the inquisition. The second was given by the same Paul III.<sup>d</sup> For whereas the inquisitors, as they say, had before proceeded with great moderation in favour of the new converts, the good of the church required that they should proceed against Judaisers, according to the rigour of the law. And therefore the pope reduced the method of process in the inquisition, according to the form of law. But least the new converts and their children should become subject to a rigorous inquisition for their past errors, he granted a

tinct account of the original of the inquisition at Goa. About the same time there was an horrible wickedness committed at Lorinum. In the principal church of that city, there was put up a chest, to receive the charity of pious persons: they who had the keeping of it, found in it some vile papers, containing horrible curses and reproaches against Christ, the Author of the salvation of mankind. Besides, Consalvus Sylveria, a Jesuit, a man noble by his birth, but much nobler for his virtue and learning, who then preached in the same city, and afterwards was slain for the cause of Christ, at Monomotapa in Æthiopia, was reviled. This most impious, wicked, and audacious crime was suspected by many plain tokens, to be committed by the false brethren of the circumcision, of which dregs several from Europe were by stealth admitted for money, by the wardens of the ports, or masters of ships, and brought into the Indies, under the disguise of merchants. There they conspired the prejudice and destruction of the Christian name, with the Ægyptians who were generally Jews, and of whom there was a great number in those places, and with persons of other nations and sects. Upon this occasion the king began to introduce the sacred inquisition into those countries, which is there exercised to this day at Goa, by proper and approved persons, skilful in the Divine law, to the great advantage of the Christian religion. All these things are taken word for word out of Maffei, by Paramus, l. 2. t. 2. c. xviii.]

<sup>a</sup> Souza, Apor. Inquis. l. 4. cap. 15.

<sup>b</sup> Expedited April 7, A. 1533.

<sup>c</sup> October 12, 1535.

<sup>d</sup> May 11, 1547.

general pardon.<sup>a</sup> The third was granted by Clement VIII.<sup>b</sup> The causes of it, as we may gather from the bull itself, were three. First, That the inquisitors ordered the punishments against heretics to be executed without remission. Secondly, Least the descendants of the Hebrews, finding themselves precluded from obtaining pardon, should grow worse, and add sins to sins. Thirdly, Because upon the grant of such a general pardon, it was undoubtedly to be hoped, that in a little while, they who had departed the kingdom, would return to it, and retain the Catholic worship and faith under obedience to King Philip, who, as Sousa says, greatly desires it, and earnestly seeks it.

Besides these three, no other indulgences have been granted to the Jewish converts, or new Christians in Portugal, and the Portuguese divines use many arguments to prove that no other ought hereafter to be given them.

Sebastian, king of Portugal,<sup>c</sup> upon occasion of his unfortunate and fatal expedition into Africa, granted to the descendants of the Jews, for a large sum of money, that their effects should not be confiscated for ten years, much against the advice of his uncle, Philip II. king of Spain: this indulgence he granted them by the authority of Gregory XIII.<sup>d</sup> But afterwards upon the rout of the king's army by the Saracens, Cardinal Henry, the king's great uncle, succeeded him in the royal dignity, who immediately,<sup>e</sup> in the same year, recalled the said grant, with the pope's consent, alledging this reason in the decree of revocation, "That after the most mature consultation of learned men, they all agreed that he was bound to make such revocation, because the good of the faith greatly required it." After Philip, king of Portugal, obtained the crown, the new Christians offered him a large sum of money, and besought him, that he would procure in their favour a general indulgence from the pope. But he condemned their prayers, though he was at that time at war with

<sup>a</sup> This was published June 10, 1548.

<sup>b</sup> August 23, 1604. and published in Portugal Jan. 16, 1605.

<sup>c</sup> Aphor. Inquis. cap. 22. n. 4, 5.

<sup>d</sup> By his bull expedited October 6, 1579.

<sup>e</sup> December 19.

France and England, his divines suggesting to him, "That God was greatly offended with such money, and that he could expect no prosperous success from it."

The following years the new Christians in Portugal endeavoured by many entreaties to procure the abolition, or at least mitigation of the inquisition.

But they were only deluded with empty words and flattering promises: for they still groan as before, under the cruel yoke of the inquisition, without any mitigation of their punishments; and to this day are liable to all the penalties ordained against heretics.



## CHAP. XXVI.

### *Of the ATTEMPT to bring the INQUISITION into the Kingdom of NAPLES.*

AFTER Ferdinand and Elizabeth had brought the inquisition into all the kingdoms of Spain,<sup>a</sup> they would fain have introduced it into others, that were under their dominion. For as many of the Jewish race had fled out of Spain for fear of the inquisition, into the kingdom of Naples, and as that kingdom had been again brought into subjection to Ferdinand, Didacus Deza, at that time general-inquisitor of Spain, sent thither in the year 1504, Peter Balforatus, archbishop of Messina, with the power of inquisitor. Ferdinand gave him letters to the governor, nobles, and university of Naples, that they should give him all assistance and favour. He tells them that a great number of heretics, having fled from the kingdoms of Spain, through fear of the holy office of the inquisition, had sheltered themselves there as in a place of safety, who had been burned in effigy because of their absence; and that therefore, to purge that kingdom from the crime of heresy, he had appointed Peter Balforatus, inquisitor of heretical pravity: he

<sup>a</sup> Param. 1. 2. tit. 2, cap. 10.

therefore commands them to receive him as such, to give him in all things the assistance of the secular arm, and not to suffer him, or any of his family to be molested. But as there arose many difficulties and discouragements, he could not finish his undertaking.

In the year 1547, Charles V., being emperor, Peter of Toledo, viceroy of Naples, endeavoured to introduce the inquisition there, by the command of Charles. But as he apprehended this would be a difficult thing, he put those into the public offices, who he thought would be most forward to promote it. After this he publicly declared,<sup>a</sup> that it would greatly tend to the establishment of divine worship, would be serviceable to the commonwealth, and be highly grateful to the emperor; if after the example of the Spaniards and Sicilians they would receive the holy office.<sup>b</sup> But the Neapolitans were so moved with the novelty of the thing, that they publicly declared that they would rather lose their lives than submit to the Inquisition; and cried out, that the extirpation of heresies belonged to the pope and the ecclesiastical judges, and not to the temporal prince. When Pope Paul III. understood this, he declared by his apostolic bull, that the Inquisition against heretics belonged to him and his judges, and not to any other. The king indeed would have had the Inquisition at Naples to be subject to the supreme council of the Spanish Inquisition, as were those of Sicily, Sardinia, and the Indies; whereas the court of Rome would have had it subject to them, because not only the ecclesiastical but secular government of the kingdom of Naples is under the Pope. However the Viceroy, that he might not seem to yield to popular fury, appointed inquisitors and officials of the holy office; with which the Neapolitans were so enraged, that on a certain day, when two persons were leading to prison, and crying out they were taken up by the Inquisition, they broke into open sedition, ran immediately to arms, and bound themselves by mutual oaths, insomuch that there was a civil war, between the citizens of Naples, and the Spanish garrison, in which many on

<sup>a</sup> Hist. Con. Trid. l. 3, p. 313, 314.

<sup>b</sup> Thuan. Hist. lib. 3.



both sides were slain. At length the Spaniards, who held the fortresses, prevailing, and beating down their houses with their great guns, the tumult was appeased, and the principal were punished, part with death, and part with banishment. However,<sup>a</sup> the Viceroy gave over the attempt of introducing the Inquisition, not so much for fear of a new tumult, as at the intercession of the Pope and Cardinals, who opposed the Inquisition, as not being subject to their court. And because the Spaniards have been determined to bring in the Inquisition to Naples subject to their supreme council, and the court of Rome equally determined to oppose these attempts of the Spaniards; hence it is that the kingdom of Naples is to this day free from this intolerable yoke: and therefore, if any matters of faith are to be judged there, it is done either by the bishop, or some other prelate appointed by the court of Rome, who nevertheless dares not begin the affair without leave first obtained from the Viceroy.



## CHAP. XXVII.

### *Of the INQUISITION in SICILY, SARDINIA and MILAN.*

THE Inquisition had been long before brought into Sicily.<sup>b</sup> Paramus gives us a privilege of king Alphonsus, in the year 1452, in which mention is made of Friar Henry Lugardi, a predicant of Palermo, and inquisitor of heretical pravity in that kingdom; by which he confirmed the privilege given to him by the aforesaid inquisitor, which Frederic the emperor had granted to the Inquisition in Sicily, at Palermo, in the year 1224. By this privilege Frederic is said to have ordained, "That one third part only of the confiscated goods should be appropriated to the treasury; a third part reserved to the apostolic see, and the other third, without any contradiction, assigned to the inquisitors, that the spiritual husbandman may

<sup>a</sup> Paulus Serv. de Inquis. Venet.

<sup>b</sup> Lib. 2. t. 2. cap. 11. n. 8.

not be defrauded of his reward, nor so wholesome an Inquisition come to nothing through want of necessaries to support it. This privilege was afterwards confirmed by Ferdinand and Elizabeth, A. D. 1477, at Seville, who took the title of king and queen of Sicily, though John, king of Aragon, and father of Ferdinand, was yet alive. This Inquisition the emperor Charles V. favoured with many privileges; the patents for which, Paramus gives us in a long catalogue.

The Inquisition was much opposed in its first introduction, as at the town of St. Mark, and at Palermo, where it was resisted by force and tumult. At length however, it prevailed so far, that the most noble persons considered it an honour to execute its office; and it was introduced into Majorca, Minorca, Sardinia, and Milan, where its power surmounted the strenuous opposition of the oppressed inhabitants.



## CHAP. XXVIII.

*The return of the INQUISITION into Germany and France, at the time of the REFORMATION.*

WHEN Luther courageously attempted the reformation of the church, and severely censured the various and intolerable abuses of the church of Rome, persevering with great constancy in the work he had undertaken, in spite of threatnings, anathema's, and the papal thunders; and when Zuinglius Oecolampadius, and others in Switzerland, and elsewhere, opposed the growing superstition, and propagated the reformation with great success in many places and countries; the Pope, to put a stop to the course of their preaching did not only continually stir up the emperor, the kings and princes against Luther, and all who opposed the doctrines of the church of Rome, but restored also the Inquisition in many places, which had grown into decay in several countries, either through the cruelty of the inquisitors, or the want of heretics to proceed against, and commanded it to proceed with great severity and rigour against

what they called the new heresies. So that now the authority of the inquisitors was increased in Germany, and many were condemned for heresy by the sentence of that holy tribunal, and being delivered over to the secular magistrate, were burned to death.<sup>a</sup>

From Germany that bloody tribunal was soon brought into the neighbouring kingdom of France, where it had dropped of itself, for want of heresies to proceed against. Antonius a Prato, Presbyter cardinal, by the title of St. Anastasia, archbishop of Sens, primate and chancellor of France, held a provincial council,<sup>b</sup> in which, after he had condemned the doctrine of Luther, Melancthon, Zuinglius, Oecolampadius and their followers, he published a general decree, by which he declares and renews all the ancient canons of the Lateran council against heretics, their favourers and defenders, persons suspected of heresy, and relapsed, as they are extant in the decretals, and sometimes guards them by annexing a punishment.

The laws used in the tribunal of the Inquisition were now renewed; and it appears that about this time the Inquisition was again brought into France. For Francis I. chose inquisitors of the faith from the Predicant friars. For in the orders of that prince,<sup>c</sup> there is a writ bearing date May 30, 1536, by which he appoints Matthew Orry, D. D. a Predicant friar, inquisitor of the faith.<sup>d</sup> Ribadineira also relates in the life of Ignatius Loyola,<sup>e</sup> and John Peter Maffei, in his life of the same Loyola,<sup>f</sup> that about this time he was accused before

<sup>a</sup> The emperor Charles V. published an edict, in which all the penalties of high treason were pronounced against those, who should be found guilty of holding any of Luther's tenets, or of republishing, or vending any books written by him or his followers. In the execution of this edict, which Charles from time to time renewed, all the fury of persecution was exercised, and it is affirmed by several contemporary historians, that during the reign of Charles, fifty thousand persons were put to death on account of their religious principles; these principles however, far from being extirpated, were more and more diffused, in the midst of those severities which were employed to suppress them.—Watson's Philip II. v. i. 101.

<sup>b</sup> February, 1528. Bzovius, A. 1528. sect. 41.

<sup>c</sup> Fol. 408.

<sup>d</sup> Du Cange in voce Inquisitio.

<sup>e</sup> Book ii. chap. ii. and xiv.

<sup>f</sup> L. i. cap. 20. p. 315.

Michael Orry, a Dominican divine, and inquisitor of the faith at Paris, and by him acquitted. There is also extant in the second volume a like writ of king Francis,<sup>a</sup> by which authority is granted to Joseph Corregie, a doctor of the same order, to execute the office of inquisitor of the faith throughout the whole kingdom. In the third volume,<sup>b</sup> there is a royal statute, bearing date July 23, 1543, by which power is granted to the ecclesiastical judges and inquisitors of the faith, to make Inquisition against lutherans and heretics, provided that Laics, and such who had not received holy orders, should be referred to the ordinary judges. There is also another statute of Henry II. dated at St. Germain en Laye,<sup>c</sup> by which the edict of Francis I. is recalled, and Matthew Orry, inquisitor of the faith, delivered from the trouble of communicating to the supreme courts, the Baillives and Seneschals, such actions as he brought against heretics, provided he communicated them to the ordinary diocesans or their vicars. At the same time that power was confirmed to him, by which he was authorised to recover to a sound mind, either by instruction or admonition, such as erred from the faith, of granting pardon and mercy to the penitent, and of punishing and correcting the obstinate. This statute was inserted into the acts of parliament, with this condition added, that the said Inquisitors, in all privileged cases, should share the process with the royal judges. (Father Paul, in his history of the council of Trent,<sup>d</sup> mentions Anthony Demohares, inquisitor of the faith;<sup>e</sup> speaks of other inquisitors in France. And Thuanus, in his history,<sup>f</sup> says, that in the year 1551,<sup>g</sup> there was a royal law rehearsed in the senate, concerning the power and office of Matthew Orry, inquisitor of heretical pravity.)

How long the Inquisition continued in France, and how and when it ended, I cannot exactly affirm. I am apt to think, that when liberty of religion was granted by the royal edicts to dissenters from the church of Rome, that tribunal immediately ceased of itself.

<sup>a</sup> Fol. 247. dated April 10, 1540.

<sup>b</sup> Fol. 482.

<sup>c</sup> June 22, 1550.

<sup>d</sup> B. 5. p. 484, and 487.

<sup>e</sup> And p. 494.

<sup>f</sup> B. 8. p. 377.

<sup>g</sup> 19th Cal. Febr.



## CHAP. XXIX.

*Six CARDINALS appointed at Rome INQUISITORS General.*

IN the early periods of the Inquisition it had been usual to refer difficulties to the Pope himself; in order to avoid the inconvenience resulting from this, Urban IV. in the year 1265, created Ursarius inquisitor general; this office was continued with some accidental intermission, till the ever memorable days of Luther.

The doctrines taught by that enlightened man, were so rapidly disseminated in Italy, as well as Germany, as to cause considerable alarm at Rome. Clement VII. ordered that the utmost rigour should be used against persons who professed those doctrines; but as their numbers continued to increase, and as the conduct of the Lutherans exhibited a remarkable degree of constancy, of patience and of determined courage, Paul III. was prevailed on in 1542, to appoint six cardinals, with full powers, inquisitors general.

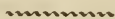
Pius V. in order to establish the power of these inquisitors general, and that neither prince nor people might be able to resist their authority, commanded in a constitution 1566, that the princes, judges, and ministers of justice, should at all times submit and yield obedience to their commands.

To these cardinals, for the furtherance of their office, was added a commissary general, who must always be a Dominican and an assessor general, besides whom the master of the sacred palace attends their deliberations.

This officer has the power of prohibiting books, and possesses the following privileges; to reside in the apostolic palace on a salary from the pope; to sit in the chapel near his holiness' feet; to examine, prohibit, or approve all books intended to be printed; or sermons to be preached before the Pope; to attend all the sittings of the cardinals inquisitors; to pronounce a sentence from which there shall be no appeal, and to receive the title of most reverend.

The supreme inquisitors are also attended by an advocate, Fiscal and several counsellors, prelates and regulars.

There are three congregations of these inquisitors general of the holy office in every week. The first on Monday at the Inquisition house, which is attended by all the officers, who take their places with scrupulous attention to precedency. The second congregation on Wednesday, and the third on Thursday, in the presence of the Pope, when he decides on, or confirms the votes of the counsellors or cardinals. It is customary for the pope to use a prayer at this assembly, a service performed at the ordinary congregations by the oldest inquisitor, and during the stay of his holiness, none are permitted to it beside the cardinals.



## CHAP. XXX.

### *Of the INQUISITION in Spain against HERETICS.*

THE tribunal of the Inquisition in Spain, at first erected to discover Jews and Moors, now began to proceed against heretics, and exercised the same cruelty against these, as they had hitherto against the others. Charles V.<sup>a</sup> king of Spain, who with

<sup>a</sup> Worn out by the cares, the activity, and the turbulence of an aspiring reign, Charles resigned in 1555-6 his crown to Philip, and sought, in the seclusion of a monastery, that happiness, which, if his pursuits had ever afforded, they had now ceased to yield. In his retirement, however, it was not his to enjoy the tender reciprocities of filial and parental affection, for he was stung by the ingratitude of the son, on whom he had bestowed his possessions and his government, who treated him with cold neglect, and even suffered the payment of his pension to be interrupted. This, together with the infirmities of a worn out body, contributed to heighten the natural antipathies of age, and if the recollection of the sufferings he had caused on the score of religion did not embitter his declining hours, he was at least compelled to acknowledge the impolicy of his former actions. Having amused himself with the construction of clocks and watches, he thence remarked how impossible it was, that he, who never could frame two machines that would go exactly alike, could ever be able to make all mankind concur in the same belief and opinion. Having buried in the seclusion of this convent all his

great difficulty had brought the Inquisition into the Netherlands against the Lutherans and Reformed, recommended it to his son Philip in his will. We have the clause of the will given us by Cæsar Carena, from Lewis Paramus, in his treatise of the

schemes of glory and ambition, he seldom enquired, or even suffered his domestics to inform him, concerning what was passing in the world. In this retreat his occupations were wholly of a domestic kind, whilst disencumbered of the weight, as well as of the ceremonies of royalty, he endeavoured to taste the sweets of social intercourse. Here it was, that he who through life had exhibited his fondness for superstitious follies, performed an act which justly claims pre-eminence. "He resolved to celebrate his own obsequies before his death. He ordered his tomb to be erected in the chapel of the monastery; his domestics marched thither in funeral procession, with black tapers in their hands; he himself followed in his shroud; he was laid in his coffin with much solemnity; the service for the dead was chanted, and Charles joined in the prayers that were offered up for the rest of his soul, mingling his tears with those which his attendants shed, as if they had been celebrating a real funeral; the ceremony closed with sprinkling holy water on the coffin in the usual form, and all the assistants retiring, the doors of the chapel were shut. Then Charles rose out of the coffin, and withdrew to his apartment, full of those awful sentiments, which such a singular solemnity was calculated to inspire; but either the fatiguing length of the ceremony, or the impression which the image of death left on his mind, affected him so much, that next day he was seized with a fever; his feeble frame could not long resist its violence, and he expired on the twenty first of September, after a life of fifty eight year, six months and twenty five days." "Charles had, very early in the beginning of his reign, found the difficulty of governing such distant dominions, and he had made his brother Ferdinand be elected king of the Romans, with a view to his inheriting the imperial dignity, as well as his German dominions. But having afterwards enlarged his schemes, and formed plans of aggrandizing his family, he regretted that he must dismember such considerable states, and he endeavoured to engage Ferdinand by the most tempting offers and most earnest solicitations, to yield up his pretensions in favour of Philip. Finding his attempts fruitless, he had resigned the imperial crown with his other dignities, and Ferdinand according to common form, applied to the Pope for his coronation. The arrogant pontiff refused the demand and pretended, that though on the death of an emperor he was obliged to crown the prince elected, yet, in the case of a resignation the right devolved to the holy see, and it belonged to the Pope alone to appoint an emperor. The conduct of Paul was in every thing conformable to these lofty pretensions. He thundered always in the ears of all ambassadors, that he stood in no need of the assistance of any prince, that he was above all potentates of the earth, that he would not accustom monarchs to pretend to a familiarity, or equality with him, that it belonged to him to alter and regulate kingdoms, that he was successor of those who had deposed

office of the most holy Inquisition,<sup>a</sup> in which the emperor thus speaks: "Out of regard to my duty to Almighty God, and from my great affection to the most serene prince Philip II. my dearest son, and from the strong and earnest desire I have, that he may be safe under the protection of virtue, rather than the greatness of his riches, I charge him with the greatest affection of soul, that he take especial care of all things relating to the honour and glory of God, as becomes the most Catholic king, and a prince zealous for the divine commands; and that he be always obedient to the commands of our holy mother the church. And, amongst other things, this I principally and most ardently recommend to him, highly to honour and constantly support the office of the holy Inquisition, as constituted by God against heretical pravity, with its ministers and officials, because by this single remedy the most grievous offences against God can be remedied. Also I command him, that he would be careful to preserve to all churches and ecclesiastical persons their immunities." And again in his codicil to his will he thus enjoins his son. "I ardently desire, and with the greatest possible earnestness beseech him, and command him by his regards to me his most affectionate father, that in this matter, in which the welfare of all Spain is concerned, he be most zealously careful, to punish all infected with heresy with the severity due to their crimes, and that to this intent, he confer the greatest honours on the office of the holy Inquisition, by the care of which the Catholic faith will be encreased in his kingdoms, and the Christian religion preserved."

Philip gave full proof of his zeal to execute his father's commands.<sup>b</sup> For as Famianus Strada testifies of him, when he

kings and emperors, and that rather than submit to any thing below his dignity, he would set fire to the four corners of the world; he went so far, as at table in the presence of many persons, and even openly, in a public consistory to say, that he would not admit any kings for his companions, they were all his subjects, and he would hold them under these feet, so saying, he stamped on the ground with his old and infirm limbs, for he was now past fourscore years of age."—Vide Watson's Philip II. vol. i. 24 and 101. Robertson's Charles V. vol. iv. 254. Hume's England, vol. iv. 426.

<sup>a</sup> Prælud. sect. 62.

<sup>b</sup> De Bel. Dec. 1. l. 3.



was solicited to grant religious liberty to the low countries, he prostrated himself before a crucifix, and uttered these words: "I beseech the Divine Majesty, that I may never suffer myself to be, or to be called, the lord of those any where who deny thee the Lord!"

In pursuance of these pious intentions, he gave some horrid specimens of cruelty, in the year 1559. Before this it had been usual, as Thaunus relates, to deliver one or more convicted of heresy to death, but now a collection was made of those unhappy persons, when they were brought forth before Philip in great pomp for punishment.

The first act of faith was at Seville, on the 8th of October; in which John Pontius of Leon, son of Roderic Pontius, Earl of Villalon, was led before the others, as in triumph, and burned for an obstinate heretical Lutheran. John Consalvus, a preacher, as he had been his companion in life, was forced to bear him company in his death; after whom followed Isabella Vænia, Maria Viroesia, Cornelia, and Bohorquia; a spectacle full of pity and indignation, which was increased, because Bohorquia, the youngest of all of them, being scarce twenty, suffered death with the greatest constancy. And because the heretical assemblies had prayed in the house of Vænia, it was included in her sentence, and ordered to be levelled with the ground. After these came forth Ferdinand a Fano Johannis, and Julian Ferdinand, commonly called the Little, from his small stature, and John of Leon, who had been a shoemaker at Mexico, in New Spain, and was afterwards admitted into the college of St. Isadore, in which his companions studied, as they boasted, the purer doctrine privately. Their number was increased by Frances Chavesia, a nun of the convent of St. Elizabeth, who had been instructed by John Ægidius, a preacher at Seville, and suffered death with great constancy. From the same school came out Christopher Losada, a physician, and Christopher Aurellianus, a monk of St. Isidore, and Garsias Arias, who first kindled those sparks of the same religion amongst the friars of St. Isidore, by his constant admonitions and sermons, by which the great pile was afterwards set on fire, and the convent itself, and good part of that most opulent city,

was also consumed. He was a man of uncommon learning, but of an inconstant wavering temper; and being exceeding subtle in disputing, he refuted the very doctrines he had persuaded his followers to receive, though he brought them into danger on that account from the inquisitors. Having by these arts exposed many, whom he had deceived, to evident hazard, and rendered himself guilty of the detestable crime of breach of faith; he was admonished by John Ægidius, Constantine Pontius, and Varquius, that he had not dealt sincerely with his friends, and those who were in the same sentiments with himself; to which he replied, that he foresaw, that in a little time, they would be forced to behold the bulls brought forth for a lofty spectacle; meaning thereby the theatre of the inquisitors. Constantine answer'd, "You, if it please God, shall not behold the games from on high, but be yourself among the combatants. Nor was Constantine deceived in his prediction. For afterwards Arias was called on; and whether age had made him bolder, or whether, by a sudden alteration, his timorousness changed into courage, he severely rebuked the assessors of the inquisitory tribunal, affirming they were more fit for the vile office of mule-keepers, than impudently to take upon themselves to judge concerning the faith, which they were scandalously ignorant of." He farther declared, that he bitterly repented, that he had knowingly and willingly opposed, in their presence, that truth he now maintained, against the pious defenders of it, and that from his soul he should repent of it whilst he lived. So at last, being led in triumph, he was burned alive, and confirmed Constantine's prophecy. There remained Ægidius and Constantine, who closed the scene, but death prevented their being alive at the shew. Ægidius having been designed by the emperor, Philip's father, for bishop of Drossen, upon the fame and piety of his learning, being summoned, publicly recanted his error, wrought on either by craft, or the persuasion of Sotus, a Dominican; and hereupon was suspended for a while from preaching, and the sacred office, and died some time before this act. The inquisitors thought he had been too gently dealt with, and therefore proceeded against his body, and condemned him dead to death, and placed his

effigy in straw on high for a spectacle. Constantine, who had been a long while the emperor's confessor, and had always accompanied him in his retirement, after his abdication from his empire and kingdoms, and was present with him at his death, was brought before this tribunal, and died a little before the act, in a filthy prison. But that the theatre might not want him, his effigy was carried about in a preaching posture.— And thus this shew, terrible in itself, which drew tears from most who were present, when these images were brought on the scene, excited laughter in many, and at length indignation.— They proceeded with the same severity, the following October, at Valladolid, against others condemned for the same crime, where king Philip himself being present, twenty-eight of the chief nobility of the country were tied to stakes and burned. Bartholomew Caranza, archbishop of Toledo, was also accused; who, for his learning, probity of life, and most holy conversation was highly worthy of that dignity, and cast into prison, and stripped of all his large revenues. His cause was brought before Pius V. at Rome, and Gregory XIII. pronounced sentence in it.<sup>a</sup>

Philip,<sup>b</sup> not content to exercise this cruelty by land, esta-

<sup>a</sup> Bzovius, A. 1559, sect. 85.

<sup>b</sup> A single instance of this monarch's domestic conduct, prevents surprise at any of his public acts. His son, Don Carlos, had early discovered a desire to govern, and had exhibited an intemperate ambition to be admitted to a share in his father's administration. Philip, whether from jealousy, or a conviction of his son's unfitness for any important trust, refused to grant him the object of his wishes. Hence Don Carlos conceived a strong aversion against those who enjoyed his father's confidence and their measures, and at length formed the design of retiring to the Netherlands. Intelligence of this was, by some courtiers, carried to the king, who, after having consulted with the inquisitors of Madrid, which he usually did on matters of great importance and difficulty, resolved to prevent the prince from putting his scheme in execution, by depriving him of liberty. For this purpose he went into his chamber in the middle of the night, attended by some of his privy counsellors and guards; and, after reproaching him with his undutiful behaviour, told him that he had come to exercise his paternal correction and chastisement. Then, having dismissed all his attendants, he commanded him to be clothed in a dark coloured mourning dress, and appointed guards to watch over him, and to confine him to his chamber. The high spirited young prince was extremely shocked at such unworthy treatment, and prayed his father and his



blished the Inquisition also in the ships.<sup>a</sup> For in the year 1571, a large fleet was drawn together under the command of John of Austria, and manned with soldiers listed out of various nations. King Philip, to prevent any corruption of the faith, by such a mixture of various nations and religions, after having consulted pope Pius V. deputed one of the inquisitors of Spain, fixed on by the inquisitor-general, to discharge the office of inquisitor; giving him power to preside in all tribunals, and to celebrate acts of faith, in all places and cities they sailed to. This erection of the Inquisition by sea, Pius V. confirmed by a bull sent to the general inquisitor of Spain, beginning, "Our late most dear son in Christ." Jerome Manrique exercised the jurisdiction granted him, and held a public act of faith in the city of Messina, in which many underwent divers punishments.

Philip also established the inquisition beyond Europe, not only in the Canary Islands, but in the new world of America; constituting two tribunals, one in the city of Lima, in the province of Peru, the other in the province and city of Mexico. The Inquisition at Mexico was erected in the year 1571,<sup>b</sup> and in a short space gave large proofs of its cruelty. Paramus relates, that in the year 1574, the third after its erection, the first act of faith was celebrated with a new and admirable pomp, in the marquis's market-place, where they built a large theatre, which covered almost the whole area of the market-place, and was close to the great church, where were present the viceroy, the senate, the chapter, and the religious. The viceroy, the senate, and a vast number of others, went with a large guard, in solemn

attendants, to put an immediate end to his life. Animated by the most miserable rage and despair, he endeavoured to procure death himself, by falling on the fire, abstaining from food, or swallowing it unbroken, with the design of suffocation. Several princes interceded for his release, as did many of the principal Spanish nobles. But the father was relentless and inexorable. After six month's imprisonment, he caused the Inquisition of Madrid to pass sentence against his son; and under the cover of that sentence, ordered poison to be given to him, which in a few hours, put a period to his miserable life, at the age of twenty-three.

Watson's Philip II. v. i. 306.

<sup>a</sup> Param. l. 2. tit. 2. cap. 14.

<sup>b</sup> Ibid. cap. 21.



procession, to the market-place, where were about eighty penitents; and the act lasted from six in the morning, to five in the evening. Two heretics, one an Englishman, the other a Frenchman, were released. Some for Judaizing, some for polygamy, and others for sorceries, were reconciled. The solemnity of this act was such, that they who had seen that stately one at Valladolid, held in the year 1559, declared that this was nothing inferior to it in majesty, excepting only that they wanted those royal personages here, which were present there. From this time, they celebrated yearly solemn acts of the faith, where they brought Portuguese Jews, persons guilty of incestuous and wicked marriages, and many convicted of sorcery and witchcraft.

## CHAP. XXXI.

### *Of the INQUISITION in the Low Countries.*

THE Inquisition was introduced into the Low Countries in the year 1522, and Francis Hulstus, and Nicolas Egmondanus, a Carmelite friar, were appointed inquisitors, of whom Erasmus thus writes<sup>a</sup> to John Carondilet, archbishop of Palermo, in the year 1524:—"And now the sword is given to two violent haters of good learning, Hulstus and Egmondanus, &c. If they have a spite against any man, they throw him into prison; here the matter is transacted between a few, and the innocent suffers barbarous usage, that they may not lose any thing of their authority; and when they find they have done entirely wrong, they cry out, 'We must take care of the faith.'" In the same year he writes to Bilibaldus Pirkheimerus:<sup>b</sup>—"There (viz. in the country of Erasmus) reigns Egmondanus, a furious person, armed with the sword, who hates me twice more than he doth Luther. His colleague is Francis Hulst, a great enemy of learning. They first throw men into prison,

<sup>a</sup> Epist. lib. 21.

<sup>b</sup> Epist. lib. 30.

and then seek out for crimes to accuse them of. These things the emperor is ignorant of, though it would be worth his while to know them." A great many were miserably used, and barbarously slain through their cruelty.

But in the year 1549, Charles, created emperor, endeavoured to bring the Inquisition more openly into the Netherlands, after the manner of that in Spain, by an edict against heresy and heretics; in which he commands all who had the administration of justice, and their officials, when required by the inquisitors, and at the joint request of the ordinaries or bishops, to proceed against any one in the affair of heresy, to give them their utmost assistance and countenance, and to help them in the execution of their office, and in apprehending and detaining those whom they should discover to be infected with heretical pravity, according to the instructions which the aforesaid inquisitors had received from him. In the conclusion it is added, that they should proceed against transgressors by execution, whatever privileges had been before granted contrary to this decree. This edict occasioned great disturbances, especially at Antwerp, where, when it was known for certain, and that it was soon to be published, a great number of merchants determined to go into other places.<sup>a</sup> As this would occasion great loss to the city, and ruin their trade, the magistrates called together the chief merchants, and citizens, and enquired what loss the city had already sustained through fear of the Inquisition, and what farther damage it might suffer, if the Inquisition should be actually introduced. This was fairly drawn out in writing; and the magistrates presented it to Queen Mary, sister of Charles V. then governess of the Netherlands; and largely shewed, by many arguments taken from the edict, the instructions of the inquisitors, and the privileges of Brabant, how many evils threatened the city and the whole country; and besought her that she would intercede with the emperor, her brother, that so rich and flourishing a city might not be ruined by the Inquisition, from which, as well as from all ecclesiastical jurisdiction, it had hitherto been free, and ought ever to

<sup>a</sup> Wesenbec. de stat. rel. in Belg. p. 20.

remain so, according to their privileges. The several orders of Brabant joined themselves to those of Antwerp, and by their reasons and prayers, the queen was so moved, that she went to her brother at Augsburg, and obtained another edict, allowing the ecclesiastical judges a power of demanding some person from the supreme courts of the emperor, to be joined with them, when they proceeded against any one for the crime of heresy. As to the rest of the former decree, there was no abatement. It was received with great difficulty and reluctance, and published at Antwerp with this protestation, that this edict should derogate nothing from their privileges and statutes.

But notwithstanding this declaration of the magistrates, the inhabitants could not be at ease, such was their dread of the cruelty of the inquisitors; especially because they saw, that those who were privately commissioned by the pope and the emperor to be inquisitors, acted as such themselves, as well as by their commissaries, in several provinces and cities. For several were condemned for heresy by them, in many cities, and beheaded, hanged, or burned, or tied up in sacks and drowned. The states, in vain, humbly besought the king to be delivered from so grievous a bondage. He was deaf to all their prayers, and determined to lose his dominions, rather than suffer them to be infected with heresy. This occasioned still greater disturbances; and as the cruelty of the inquisitors every day increased, they broke out at length into an open revolt. The common people threw down the images from the temples, and committed other violences; on which the king, that he might have some shew of justice to conquer the Low Countries, and make laws according to his absolute will, demanded the judgment of the supreme office of the Inquisition in Spain, concerning these revolvers. After they had seen the several informations and proofs, transmitted to them by the inferior inquisitors, they declared all the inhabitants of the Low Countries, those only excepted whose names were sent to them, heretics and favourers of heretics, and guilty of high treason, either for what they had done, or omitted to do. The king having received this answer, sent the Duke of Alva, with a

great army, into the Netherlands; who, as he was a cruel and bloody man, entered the country with his forces, and meeting no resistance, acted every where with the most outrageous fury. One might have seen throughout all their cities, old men and young, women and girls, without any distinction of dignity, age or sex, suffering by the sword, gallows, fire, and other punishments; till at length the miserable nation, warmed with the remembrance of their former freedom, took courage and arms; and after they had recovered their liberty, drove out the Inquisition from the whole country.

END OF BOOK 1.





# HISTORY

OF THE

## Inquisition.

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BOOK II.  
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### CHAP. I.

*Of the MINISTERS of the INQUISITION in General.*

**T**HUS far we have described the origin of the Inquisition, and its introduction into several kingdoms and countries. There are three things yet remaining to be treated of. First, The ministers of the inquisition, as well the inquisitors themselves, as others who serve them in the holy office, together with their duties and offices. Secondly, The crimes subject to the cognizance of this tribunal; by what ways guilt may be contracted; and what punishments are annexed to the several offences. Thirdly, What is the manner of process observed before the tribunal of the inquisition. These shall be considered in three several books.

As to the first of these we need not repeat what hath been already said in the former book concerning the cardinals, inquisitors general in all Christian countries, and of the supreme council of the inquisition in the kingdoms of Spain and Portugal. I shall speak only of the inquisitors and those who serve them. For although the erection of those councils hath introduced no small change in the office of the inquisition, yet it respects rather the manner of process, than the officers of the inquisition; which therefore I shall afterwards endeavour to

explain according to the best assistance I can gather from those authors who have written on the subject.

The offices in the Spanish and Portuguese inquisition are somewhat different from what they were anciently, and from those of the Italian inquisition to this day. And because these two inquisitions are now the principal and most famous ones, wherein they differ from other inquisitions, I shall carefully describe, and give an account of the several offices in them, as they are delivered by the Spanish doctors.

Simancas gives us this account of the ministers of the Spanish inquisition.<sup>a</sup> “In every province of Spain there ought to be two or three inquisitors, one judge of the forfeited effects, one executor, three notaries, two for secrecy, and the third for sequestrations, one keeper of the prison, one messenger, one door-keeper, and one physician. Besides these, assessors, skilful counsellors, familiars and others are necessary.” In Italy they call them cross-bearers, of pretty near the same office with the Spanish familiars. Besides these, there is a promoter fiscal, a receiver of the forfeited effects; and finally, visitors of the inquisitors. Of these in their order.

## CHAP. II.

### *Of the INQUISITORS.*

IN the church of Rome there are two sorts of judges in the affair of the faith: the ordinaries, such as the pope, and bishops of places, who, when ordained or consecrated, are believed to receive, by divine right, power and jurisdiction over heretics: <sup>b</sup> and delegates, to whom the office of judging heretics is particularly given by the pope, who are called inquisitors by the laws. Apostolic inquisitors are therefore judges delegated by the pope, who is believed to be the supreme judge of the faith,

<sup>a</sup> De Cathol. Inst. tit. 41. sect. 3.

<sup>b</sup> Eymeric. Direct. p. 3. q. 1.

who grants them full jurisdiction against all heretics and apostates. And they are delegated for all causes.

No one can be thus deputed to this office who is not forty years old. "We ordain by the approbation of this holy council, that no person under forty years old, shall from this time be admitted to the office of the inquisition."<sup>a</sup> But because knowledge and prudence sometimes supply the defect of age, it is determined by a general decree of the pope, that a person of thirty years old may be apostolic inquisitor in Spain and Portugal.<sup>b</sup> Even in this age the congregation of cardinals created Baptist à Martinengo, inquisitor at Cremona, who was very little above thirty. It is also the custom to choose inquisitors for cities, not out of the citizens, but from foreigners.

These inquisitors<sup>c</sup> receive power to execute this office from the pope, who sometimes immediately appoints them by word of mouth, sometimes by his apostolic letters. Thus in the letters of Clement, beginning, "*Licet ex omnibus mundi partibus,*" written to the inquisitors; we read, "That the office of the inquisition against heretics may be more effectually discharged, we command your discretion by our apostolic writings, enjoining you, by the remission of your sins, to execute the aforesaid office, which we commit to you by our apostolic authority, in the love of God, and without any fears of men,

<sup>a</sup> Clement, cap. Nolentes. de hæret.

<sup>b</sup> Carena, p. 1. tit. 5. n. 18. q. 3.

<sup>c</sup> Each of the inquisitors hath the title of *Lord*, and are a great terror to the neighbouring peasants; certain it is, that by this means the people of Spain are so kept under that they dare not hearken after any other religion than what their priests and friars shall be pleased to teach them, or entertain the truth if it comes amongst them, or call in question any of those palpable and gross impostures which every day are put upon them, for by this means the people of this kingdom have been, and still are punctual followers, of the church of Rome, and that too in the very errors and corruptions of it, taking up their religion on the pope's authority, and therein so tenacious or pertenacious that the king doth suffer none to live in his dominions which profess not the Roman catholic religion, of which they have been since the time of Luther such avowed patrons, that one of the late popes being sick, and hearing divers persons bemoan his approaching end, uttered words to this effect; "My life can nothing benefit the church, but pray for the prosperity of the king of Spain as its chief support."—Dugdale's Spanish Inquisition, 1680.

putting on the spirit of strength from on high." Sometimes he commits it to a cardinal or legate.

Heretofore the pope ordinarily granted it to the master, and provincial priors of the predicants; to the general and provincials of the Minorites, that they should take care to provide inquisitors of the friars of their order, for the places assigned to them, as we find it in their privileges, and as appears from many rescripts of the popes, particularly Innocent, Clement, and Alexander IV., which begin, "*Licet ex omnibus.*" We firmly charge and command your discretion, by these apostolic writings, that with the advice of some discreet friars of your order, you choose eight of the said order, fit for your province, to perform this work of the Lord; and that you strictly charge them, in virtue of their holy obedience, by the apostolic authority, that they execute the office of the inquisition, &c." And they give this reason, because they are presumed to have greater knowledge of their own friars, and can therefore more easily judge who are the most proper to be advanced to so high an office. But at this time the apostolic inquisitors throughout Italy are not chosen by the prelates of the aforesaid orders, but either immediately by the pope, or by a brief, as the inquisitor at Milan and Genoa are chosen; or by letters patents from the cardinals, inquisitors general over the whole Christian world. In Spain the president of the inquisition appoints the inquisitors.

And as the power of the inquisitor depends on the pope,<sup>a</sup> so no one can be removed from this office, but by the pope alone, and those to whom his holiness commits this power. Formerly he granted the power to the general and provincial masters of the orders, as appears from these letters of Innocent.

"Innocent,<sup>b</sup> bishop, servant of the servants of God, to our venerable brother John, bishop, formerly master of Bosino, and to our beloved sons, the friars of the Order of Predicants, health and apostolic benediction. Being continually refreshed with the sweet savour of your order, we deservedly bear an especial favour towards it, with full desire wishing its advance-

<sup>a</sup> Carcna, p. 1. tit. 5. q. 9.

<sup>b</sup> Bzovius, A. 1245. sect. 12. n. 10.



ment, and endeavouring with our most diligent care to procure for it peace and other blessings, by which it may obtain through the Lord the desired increase. For this reason we have yielded to your request, that you, brother John, bishop and master, and your successors, the friars of your order, who are or shall be deputed by the apostolic see to preach the cross, or to enquire against heretical pravity, or any other such affairs, may lawfully and freely set aside, or recal, quite remove and enjoin them to forbear, and substitute others in their room, as shall seem expedient to you, and exercise the ecclesiastical censure against all contraveners. And by authority of these present, we grant, that every provincial prior of the same order may act in like manner in his province, as to the friars of the said order, to whom this affair may happen to be committed by the same see.”—Dated at Lyons, June Id. 5. and 3d of our Pontificate.

But now the cardinals, inquisitors general in Christendom, remove and change, and translate them from one place to another, as they think convenient.

The popes were greatly desirous that this office should be free from all obstruction;<sup>a</sup> and, therefore, as one very obvious difficulty might arise from the prelates of the several orders, if such as were created regular inquisitors should be forced to obey their prelates in their office, therefore the popes exempted them as to this affair from their jurisdiction, as appears from a bull of Clement IV. beginning “*Catholicæ Fidei*.” Although the master and minister generals, and other priors and provincials, and the keepers or guardians of any places of your orders, under pretence of any privileges or indulgences of the same see, granted, or hereafter to be granted to the said orders, shall enjoin, or any ways command you, or any one or more of you, to supersede this affair for a time, or as to any certain articles or persons; we strictly prohibit all and singular of you, by our apostolic authority, from presuming to obey, or in any manner to regard them in this matter. For by the tenour of these present, we recal all such privileges and indulgences relating to this article, and decree that all sentences of excommunication,

<sup>a</sup> Eymer. Direct. Par. 5. Qu. 11.

interdict, and suspension, that may be pronounced against you, or any of you upon this occasion, shall be altogether null and void." So that in the office of the inquisition they are by no means subject to their superiors,<sup>a</sup> but only to the pope; inso-much that if an inquisitor should unjustly prosecute any one for heresy, the person apprehended cannot appeal to the superior of that order, but only to the pope. Nor is the inquisitor in any manner bound to obey the superior of his order, interrogating him on any affairs relating to his office, but the pope alone, whom he immediately represents.

And least the superiors of orders should claim to themselves any power over the inquisitors, by reason of their inquisitorial office, Urban IV. wrote to the inquisitors in privilege of the Catholic faith. "For if the aforesaid see hath sometimes committed by their letters, under a certain form, to some prelates of your order, a power to choose certain friars of their orders, to exercise the office of the inquisition against heretical pravity, and to remove and substitute others in their room, as they should think convenient; as this was granted them only, because it was presumed that they had a fuller knowledge of the fitness of such friars, so hereby no faculty, jurisdiction, or power, is given them over any such affair committed, and to be committed to you immediately by the aforesaid see."

This is in force only when the inquisitors are of any particular order, whether predicants or friars minor. It is now of no use in Spain; for, as Simancas tells us, it is found by experience, that it is much more useful and proper, that the inquisitors should be laymen, and not divines.<sup>b</sup>

In like manner the Popes ordered, that in favour of the faith the office of the inquisitors should be perpetual, so that it was not to cease at the death of the Pope who conferred it, although the jurisdiction delegated to them might not have been made use of. Thus it is ordained by Clement IV. and is to be found in the *Sext. Decret.* "Least any person should be in doubt, whether the office of the Inquisition of heretical pravity, committed by the apostolic see under certain limitations to your care, expires at the death of the Pope who granted it, we by

<sup>a</sup> Eymer. Direct. Part 5. qu. 12.

<sup>b</sup> Ibid. tit. 41. sect. 3.

this present edict declare, that the said office shall last, in favour of the faith, after the decease of him who conferred it, not only with respect to affairs begun during the life of the granter, but as to those which are untouched, and not begun, and what is more, even as to such as may not arise till afterwards.”<sup>a</sup> For this reason the office of particular inquisitors continues in Spain, after the death of the inquisitor general, although they should be delegated by him ; and the rather, because they are chosen under this form : “ we constitute you our vicegerents till we shall specially recall the commission.” In which case the jurisdiction of the delegated judge continues after the demise of him who deputed him.<sup>b</sup>

This office is accounted of so great dignity in the church of Rome, that the title of most reverend is given to the inquisitors equally as to bishops, and because they are delegated by the Pope to their jurisdiction, they are advanced to the principal part of the episcopal office, and are therefore thought to deserve the honour of an equal title of dignity with the bishops themselves.<sup>c</sup> From whence also they infer, that the inquisitors ought to take place of the vicar general of the bishop, not only in causes of heresy, but in other acts and causes that do not belong to the holy office.

In Spain<sup>d</sup> oftentimes several inquisitors are deputed together, and whenever this happens, they take care not to create two who are akin, in the same province, nor suffer them to have any official for their servant, or of their household.

“ If any thing hard or difficult happens in any province, the inquisitors must refer it to the council.”<sup>e</sup>

“ The inquisitors sit on their tribunal six hours every day,<sup>f</sup> and if any thing comes before them that belongs to the inquisitors of another province, they refer it to them, and the messengers are to be paid the expences of the journey by the inquisitors to whom they are sent.”<sup>g</sup>

<sup>a</sup> Simanc. de Cathol. Instit. tit. 34, sect. 14.

<sup>b</sup> Cap. Si delegatus, de Offic. deleg. l. 6.

<sup>c</sup> Caren. p. 1. t. 5. n. 57.

<sup>d</sup> Simanc. tit. 34, sect. 21.

<sup>e</sup> Ibid. sect. 15.

<sup>f</sup> Ibid. sect. 16.

<sup>g</sup> 4 Instruct. Tolet. cap. 28, and 3 Instruct. Valolite. cap. 9.



“Farther,<sup>a</sup> the inquisitors are diligently to read those books in which the testimonies against heretics are contained, that from hence they may know the names and offences of the guilty persons, and understand distinctly their several crimes. And of this matter the visitors are particularly to enquire, and report it to the inquisitor general, if the inquisitors should happen to be negligent herein.<sup>b</sup>

“The inquisitors must take special care to agree with and be friendly to each other.<sup>c</sup> If any difference should rise against them, they must conceal it, and refer it to the inquisitor general, that after he understands the matter he may compromise it, and judge between them.”<sup>d</sup>

The office of the Inquisition ceases upon the inquisitors advancement to any dignity.<sup>e</sup> If the inquisitor, for instance, is made a bishop, these dignities are incompatible, because both require personal residence, and therefore the office of the inquisitor ceases.

[If the inquisitors are negligent or remiss in their office,<sup>f</sup> the synod of Sinigaglia, held A. D. 1423, hath decreed, that they shall hereby incur the penalty of suspension from entering into the church for the space of four years. The same synod commands, “that in provincial or synodical councils, a proper remedy shall be provided, besides the forementioned penalty, against such negligent persons, according to the degree of such fault or negligence; all privileges, exemptions, customs and statutes whatsoever to the contrary notwithstanding.” But I am persuaded that few offend against this decree, or incur the penalty of suspension by negligence or lenity; since all compassion is banished from this tribunal, and since all who are promoted to this office of inquisitor immediately divest themselves, I will not say of all pity only, but even of humanity itself.]

If the inquisitors offend,<sup>g</sup> by unjustly extorting money, it

<sup>a</sup> Simanc. tit. 34, sect. 17.

<sup>b</sup> 5 Instruct. Hispal. cap. 3.

<sup>c</sup> Simanc. tit. 34, sect. 18.

<sup>d</sup> Instruct. Hispal. cap. 26.

<sup>e</sup> Carena, p. 1. t. 5. n. 102.

<sup>f</sup> Richer. Hist. Con. l. 3. c. 1. sect. 1. p. 9.

<sup>g</sup> Pegna, in part. 3. Direct. Com. 61.



was anciently provided,<sup>a</sup> that they should be punished by the prelates of their order. “Which said prelates are bound to remove from their offices such inquisitors and commissaries as are found guilty, and when removed, otherwise to punish and correct them according to their desert.” But now as the prelates of the several orders neither appoint or remove inquisitors, so neither do they punish them; but the affair is referred to the cardinals inquisitors general in Christendom. In Spain the president of the Inquisition, whom they call inquisitor major, punishes the delinquent inquisitors, which was expressly granted him by a bull of Leo X. But however notwithstanding this, the Pope can, as often as he pleases, call, cite, and punish the inquisitors of all kingdoms at the court of Rome; for he is the judge of all, and the inquisitors are delegated by him, and because it appertains to him to take cognizance of their causes, and punish their offences. And if any others take cognizance of these affairs, they do it by a power derived from the Pope, which he can resume as often as he thinks fit, and bring the whole affair before himself.

When any inquisitor is to be punished for his offence, they take care not to lessen men’s opinion of the dignity and authority of the holy office by his condemnation or punishment, which they say is more dangerous than to suffer an offender to go unpunished; unless it be such an offence as gives scandal, and therefore must not be passed over with impunity. And they alledge this reason; that the apostolic inquisitors are both dreaded and hated by many, and especially by wicked men; and therefore if they should be easily or publicly punished, the foolish and mad people would soon be drawn by their crimes to hate and dishonour the holy office. So that when there is a necessity to punish the inquisitors, it must be done with caution, to prevent greater inconveniences.

However, from these laws it is very plain, that the tribunal of the Inquisition is not so very holy and blameless, as they would have them believe in Spain and Portugal; but the inquisitors punish innocent men sometimes very unjustly, throwing them into prison, and treating them in a very barbar-

<sup>a</sup> Clement. de hæret. cap. Nolentes.

ous and unworthy manner.<sup>a</sup> Of this we have a fresh instance in the Inquisition at Goa, in relation to Father Ephraim, a Capuchine, whom out of mere hatred and revenge they seized, by craft and subtlety, and carried away to Goa, and there shut him up in the prison of the inquisition. The story is this: Father Ephraim having had an invitation from some English merchants, built a church in the city of Madrespatan, which was near to the city of St. Thomas. To this place several of the Portuguese came from St. Thomas's, to have the benefit of Ephraim's instruction. By this he incurred the hatred of the Portuguese; and upon some disturbance that was raised, Father Ephraim was called to St. Thomas to appease it, where he was seized by the officers of the Inquisition, and carried to Goa, bound hands and feet, and at night coming from on board the ship, hurried into the prison of the Inquisition. All men wondered that this Capuchine should be brought prisoner before the tribunal of the Inquisition as an heretic, who was known to be a person of great probity and zeal for the Roman religion. Many were concerned for his delivery, and especially Friar Zenon of the same order, who tried every method to effect it. When the news of his imprisonment came to Europe, persons were very differently affected. His brother the lord Chateau des Bois, solicited the Portugal ambassador at Paris, till he prevailed with him to send letters to his Portuguese majesty, to desire his preremptory orders to the inquisitors at Goa, to dismiss Ephraim from his prison. The Pope also himself sent letters to Goa, commanding him to be set free, under the penalty of excommunication. The king also of Golconda, who had a friendship for him, because he had given him some knowledge of the mathematics, commanded the city of St. Thomas to be besieged, and to be put to fire and sword, unless Ephraim was immediately restored to his liberty. The inquisitors not being able to surmount all these difficulties, sent him word that the prison gates were open, and that he might have his liberty when he pleased. But he would not leave his jail, till he was brought out by a solemn procession of the ecclesiastics

<sup>a</sup> TAVERN. Travels, b. 1. c. 15.

of Goa. And although there are many instances of the like injustice, yet they very seldom publicly punished the injustice and cruelty of the inquisitors, lest their authority, which they would have always accounted sacred, should be contemned.

### CHAP. III.

#### *Of the VICARS and ASSISTANTS of the INQUISITION.*

WHEN the Inquisition was first appointed and delegated,<sup>a</sup> there were no cardinals inquisitors general over Christendom, whom they could consult by letter, and from whom receive an answer in cases of difficulty,<sup>b</sup> after their having first advised with the Pope. And therefore particular inquisitors were often forced to go to Rome, during whose absence the affairs of the faith were at a stand.<sup>c</sup> To prevent this inconvenience, the inquisitor may in such a case appoint a vicar general over the whole province, with a power of proceeding to the definitive sentences of the impenitent and relapsed. Urban IV. in order to remove this difficulty, A. D. 1263, created by a rescript, beginning, *Cupientes*, the cardinal of St. Nicholas in carcere Tulliano, inquisitor general, or, as it were, protector of the inquisitors, whom particular inquisitors might consult, either in person, or by proposing their doubts to him by letters. But now all these inconveniences are over, since the appointment of the cardinals inquisitors general over Christendom, whom they may consult by letters, and to whom all princes are subject in this affair. This is plain from the bull of Pius V. published 1566. In Spain the inquisitors of particular cities consult the inquisitor general of those kingdoms, or president of the Inquisition; and he with those of other provinces advises with the cardinals inquisitors general.

<sup>a</sup> Eymer. 41.

<sup>b</sup> Ibid. 43.

<sup>c</sup> Pegna, in Eymer. p. 426.

It is however, now the constant daily practice of all inquisitors to have their vicars general, who, in their absence, may manage the affairs of the Inquisition. These are ordinarily appointed by the inquisitors themselves; for the inquisitor hath power of constituting his vicar or commissary, by the bull of Clement VII. sent to Paulus Bugitella,<sup>a</sup> which begins, Cum sicut, in which we read: "Moreover we decree that you may have authority to appoint your vicars or commissaries, persons whom you shall judge to be circumspect, fit, and proper, provided they are full thirty years of age."

This power doth not only extend to the appointing one or two vicars or commissaries, but several, if the diocese or province be large, and contains several cities.<sup>b</sup> For as the inquisitor cannot be personally present at all of them, it is necessary he should appoint commissaries in them. He must create at least in every city one, a man prudent and learned, an old Christian, pious, and fit for business, a religious person of his own, or some other order, or a secular clergyman, viz. one possessed of some preferment in the principal church of that city, or a canonist, whom he verily believes will take care of the matters of the faith diligently, and according to the canonical sanctions.

This vicar general may be constituted with such full powers by the inquisitor,<sup>c</sup> as to be able to receive denunciations, informations, or accusations, from and against any persons whatsoever, and of proceeding, and of citing, arresting, and putting in irons, as well the witnesses as the guilty, of receiving their confessions or depositions, and of proving them, of examining and compelling to give evidence, and of putting to the question and torture to force the truth from them, jointly with the lord bishop or his vicar; as also of imprisoning them, by way of punishment rather than safety, of calling together and advising with skilful men at his pleasure; and, in general, of doing every thing which the inquisitor himself, if present, could do. Only the inquisitor usually reserves to himself the definitive sentence

<sup>a</sup> Pegna, in Eymer. Qu. 13.

<sup>b</sup> Pegna, Com. 63.

<sup>c</sup> Eymer. p. 3. 17.



of all impenitents and relapsed, although he may also commit even this to his vicar.

The power of pronouncing sentence, however, is seldom given to the commissary or vicar, without first consulting the inquisitor, who in decency, is bound to defend the conduct of his commissary. The inquisitor, however, cannot endow the commissary with power to employ a deputy, though they sometimes appoint two commissaries to act conjointly. The vicars can only be deprived of their authority by the inquisitor, from whom it was received.



#### CHAP. IV.

##### *Of Assessors and Counsellors necessary to the Office of the* INQUISITION.

THE inquisitors were originally religious friars, skilful only in divinity, but ignorant of the laws.<sup>a</sup> And, therefore, because they might be easily deceived in a judiciary process, and so absolve such as should be condemned, and condemn such as should be absolved, they were commanded to call in skilful persons, such as divines, canonists, and layers, to consult them, and if there was need, to compel them to give their advice in virtue of their obedience; as we find it, *cap. Ut commissi. sect. Advocandi. de hæret. lib. 6.* “That you also call in as occasion requires, any skilful persons to assist you, and give you proper advice in passing such sentences, and enjoin them by virtue of their obedience, that in this matter they humbly obey you.” And thus we often find it in the book of the Tholouse Inquisition, in the sentences pronounced, “We, the aforesaid bishop and inquisitor, with the advice and counsel of many good men, skilful as well in the canon as civil law, and of many prudent religious persons,” &c. I do not find that their number is

<sup>a</sup> Eymer. p. 3. qu. 77. Pegna, com. 126.

precisely determined by any certain law. Carena says,<sup>a</sup> that in the congregation at Cremona, there are regularly present, four regular divines, four secular clergymen, canonists, and four lay counsellors; and because the inquisitor there is always a master in divinity, they do not need so many qualificators, as the inquisitors of Spain do, who are layers.<sup>b</sup>

It is to be wondered at, that the office of making inquisition against heretics, and of judging them, should be committed to persons entirely ignorant of the law. But if we consider the modern inquisitors, and compare them with the more ancient ones, and judge of their ignorance by what we find of the ignorance of the other, it must be owned that they know nothing either of law, or of divinity, or of any theological points. The author of the history of the Inquisition at Goa,<sup>c</sup> was in doubt, whether the baptism of the breath<sup>c</sup> could be reconciled with those words of our Lord,<sup>d</sup> “Except a man be born again of the water and the spirit, he cannot enter into the kingdom of heaven.” The inquisitor who examined him as to his faith, was astonished at the citing of this place, and asked where the passage was to be found. He was equally ignorant of the canon of the council of Trent, about the worship of images.<sup>e</sup> So that he concludes, that the ignorance of the inquisitors, in matters of faith, exceeds all belief. Father Ephraim also affirmed, that nothing was so troublesome to him in the prison of the Inquisition, as the ignorance of the inquisitor and his assessors, when they examined him, which was so very great, as

<sup>a</sup> P. i. tit. 8. n. 12.

<sup>b</sup> Ibid. n. 35.

<sup>c</sup> a. 22.

<sup>d</sup> *Baptismus flaminis* is the baptism of the Holy Ghost, founded on Acts i. 5. and, I suppose, so called from John xx. 22. “He breathed on them, and saith unto them, Receive ye the Holy Ghost,”

<sup>e</sup> Dr. Geddes gives us a worse account of their stupidity and ignorance. The writer of the *Repertorium*, printed at Venice, A. D. 1588, to shew his critical learning, saith, the word *Hæreticus*, according to some, is compounded of *erro* and *recto*, because an heretic errs from what is right. According to others, it is derived from *erciscor*, which signifies to divide; and according to some, it comes from *adhæreo*, because it is one’s adhering obstinately to an error that makes him an heretic. And with the same stock of learning it was that another inquisitor proved, from St. Paul’s words, *Hæreticum devitu*, that Christians were commanded to deprive heretics of their lives.

Geddes’s Tracts, vol. i. p. 425.

that he verily believed not one of them had ever read the holy scriptures. And, therefore, as the inquisitors are thus ignorant themselves, they greatly want the advice, not only of persons skilful in both laws, or as they call them, of canonists and layers, but of divines also. Such are generally called assessors and counsellors.

They have their distinct parts. They are not all indifferently consulted in all affairs, but each of them as to those which they are presumed to understand. The divines are called in to examine propositions, and explain their quality. The layers are consulted about the punishment or absolution of offenders, and other merits of causes. The inquisitors generally consult and deliberate with these skilful persons together, and not apart, as is provided in certain letters of the Spanish counsel.

When, therefore, any question happens in the cognizance of the causes of heresy, at the tribunal of the faith, relating to the quality of propositions, spoken by heretics, or persons suspected of heresy, the decision of that affair belongs to the divines, from whence they are called *Qualificators*.

The inquisitors are, nevertheless, not bound to follow the advice of the counsellors; but after they have heard their opinion, they are free to determine what they think proper: even though it should be contrary to, or different from, the advice so given.

In this particular, however, there is some diversity in different countries. There is a letter of the council,<sup>a</sup> in possession of the inquisitors of Corduba, by which this method is authorized. But in the Inquisition of Valladolid, it is necessary to refer to a council, unless a majority agree in one sentence. In Portugal, the counsellors have a decisive vote, and are chosen under the same conditions as the inquisitors.<sup>b</sup>

The counsellors are sworn to secrecy,<sup>c</sup> because they say secrecy is the principal nerve of the holy office. And if they should at any time speak, write, or debate, of any matters affecting any cause treated of by the holy office, they would thereby

<sup>a</sup> Simanc. tit. 41. sect. 14.

<sup>b</sup> Souza, l. 1. c. 1. sect. 14. Pegua, part 3. com. 128.

<sup>c</sup> Carena, p. 1. t. 8. n. 65.

incur excommunication; from which none but the cardinal's inquisitors could release them; and if they should maliciously reveal such things, they may be proceeded against, as obstructors of the holy office.

It is unlawful to choose two persons to this office who are related, as father and son, in order to prevent partiality or prejudice.

The proper place of congregation is the hall of the holy office. Carena says, he heard from some worthy persons, that there are letters of the inquisitors general upon this affair, commanding the congregation, when held before the bishop, to be at his palace. But when the bishop will not, or cannot, be present, they shall meet in the holy office. And that the vicar general of the bishop must be there. And though he himself did not see these letters, he says, this is exactly the method of the Inquisition at Cremona.

At Rome it was the usual custom for the junior counsellors to vote first, that the example of the elders might not mislead him: but at Cremona this order was reversed.

## CHAP. V.

### *Of the PROMOTOR FISCAL.*

“They usually call that officer of the Inquisition the promotor fiscal,<sup>a</sup> who acts the part of the accuser. He must be an honest, diligent, and industrious person, skilful in the law.—He is prohibited from exercising this fiscal office in the province where he was born, that he may not be thought to act out of favour or hatred.

“It belongs to this office to examine the depositions of the witnesses,<sup>b</sup> to give information of criminals to the inquisitors, or notice of them to the judges, and to demand their apprehension and imprisonment; and finally, when apprehended and

<sup>a</sup> Simanc. tit. 53, sect. 1. 2.

<sup>b</sup> Ibid. sect. 3, &c.



admonished, to accuse them.”<sup>a</sup> In the holy office in Spain, the fiscals do not form their accusation against the criminal, till the way is clear for the inquisitors to proceed against him. “And although the criminals, upon admonition, should confess all their heresies, yet the promotor fiscal must accuse them of the same things, that judgment may be formed from the accuser, criminal, and judge. The charge is to be drawn up and presented to the judges by the promotor, to which he is to add an oath, that none of the heads of it proceed from a malicious design; but only that he may the better prosecute his suit, and that he intends to prove them all.

“If the judges shall allow any time to receive the proofs,<sup>b</sup> he must produce the witnesses against the criminal, and demand their examination; and that their depositions be allowed and published. If after this, other witnesses shall appear to prove other heresies, this also shall be added to the accusation, and the promotor fiscal shall accuse the criminal of these. He must also take particular care to observe all the confessions, sayings, and answers, of the criminals, that he may be able to gather what relates particularly to their case, and what to other heretics.<sup>c</sup> And when the depositions of the witnesses are written down and allowed; and when the judges and counsellors debate about the sentence to be passed, the promotor fiscal must be absent. But he may be present when the process of the cause is reported, and from fact or law alledge what he thinks convenient.” In the Cremona Inquisition the fiscal is not present at the examination of the witnesses, unless the inquisitor calls for him.<sup>d</sup> He is, however, present at the examination of the witnesses, by way of defence; and at the rehearing of the witnesses, and must be present in the congregations when they vote in the cause, and always at the torture, together with the inquisitor, who sits between the vicar general on the right, and the advocate fiscal on the left.

“Heretofore the promotor fiscal was bound to defend the cause of the treasury before the judge of the forfeited effects,<sup>e</sup>

<sup>a</sup> Carena, p. 1. t. 9. n. 15.

<sup>b</sup> Ibid. sect. 7.

<sup>c</sup> Sect: 10.

<sup>d</sup> Ibid. l. 1, t, 9, v, 41,

<sup>e</sup> Ibid, sect, 11,

which is to this day in use in some provinces. But generally speaking, this affair belongs now to the advocate of the treasury.

“ Besides this, in Spain, they choose a person for procurator general of the holy inquisition there,<sup>a</sup> that he may manage the affair of this most holy office at the court of Rome, who is to have a proper salary paid him out of the forfeited effects. Into this office a skilful and honest man must be chosen.”



## CHAP. VI.

### *Of the NOTARIES of the INQUISITION.*

THE office of the registers, whom they also call Notaries and Secretaries, is to write down the injunctions, accusations, and all the pleadings of the causes.<sup>b</sup> The judge ought not only to take care that the notary writes down the depositions of the witnesses, or the answers of the criminals, but also that he diligently explains, and particularly remarks, during the process, the several circumstances relating to the witness, the informer, and the person against whom inquisition is made, viz. Whether the colour of his face changes; whether he trembles or hesitates in speaking; whether he frequently endeavours to interrupt the interrogatories, by hawking or spitting; or whether his voice trembles, and the like. All these circumstances the judge ought to take care to have particularly specified in the process, that it may not be said, that the person inquired against is put to the torture without proofs.

Whatsoever the notary writes down from the mouth of the criminals, or witnesses, must be in the same language in which the witness or criminal speaks, without altering, adding, or diminishing, transposing or inverting any of the words.<sup>c</sup> If

<sup>a</sup> Carena, tit. 52. sect. 6. 2 Instruct. Hispal. cap. 2.

<sup>b</sup> Simanc. tit. 41. sect. 7. Campeg. in Zanch. cap. 9.

<sup>c</sup> Pegnæprax. Inq. l. 2. cap. 20. u. 12, &c.

the criminal or witness doth not understand Latin; and if the notary or inquisitor doth not understand the language of the one or other, the inquisitor must have a skilful interpreter. For it may happen, that a Frenchman, a Spaniard, an Englishman, or a German, may be examined before an Italian inquisitor. The depositions of the witnesses and the confessions of the criminals, are to be written down by the notaries, in the same words in which they are delivered. And when there are several witnesses, it is not sufficient that the notary, when he hath particularly wrote down the depositions of the first witness, says, that the second or third says entirely the same as the first; but he must write down the particular words of the several witnesses, because oftentimes the case before this tribunal is the proof of formal heresy. Clement VIII., in a general congregation of the inquisition,<sup>a</sup> hath particularly commanded the inquisition not to omit any of the interrogatories which are made by the judge, in the examination of the witnesses and criminals, but to write them down at large. Yea, so favourable are they to this affair of the faith, that though the notaries should make one false libel, yet all their others are valid, whilst they are kept in office;<sup>b</sup> although when the author is condemned, the book is commonly condemned too.

“ These notaries are to be chosen of the laity; but in causes of heresy, the clergy and monks, and also others in holy orders may discharge this office. And although in Spain they usually take them from amongst the laity, yet Simancas says,<sup>c</sup> that possibly it would be better, that they should be chosen from the clergy, because they would want less than those who have wives and children; for the salary is scarce sufficient for one. They are also obliged to register in a certain book, all the commands of the inquisitors, given to the executors and receivers, against heretics, and their effects; that if any question should arise concerning these things, they may be able, from those registers, to determine it. Besides, they must be content with their salary, and receive nothing for their writing, except the

<sup>a</sup> November 9, 1600.

<sup>b</sup> Ex Gloss. in cap. Fraternitatus,

<sup>c</sup> Ibid. tit. 41. sect. 7.

notary of the forfeited effects, who may demand his lawful dues, because he hath no salary. They must also travel at their own expences within their proper province, to ratify the depositions of the witnesses, the proof of the defences, and the exceptions against the witnesses, as it is contained in a certain decree of the council." <sup>a</sup>

In the early periods of the inquisition, the appointment of notaries was lodged with the bishop, and the inquisitors could not appoint them. But by a rescript <sup>b</sup> of Pius IV., beginning *Pastoralis Officii Cura*, given A. D. 1561, Cal. 6th September, it is provided that the inquisitors may, when they think it necessary by the apostolic authority, choose, assume, and create notaries, one or more, either all clergymen or regulars of any order.

When they are first chosen, they take an oath to act faithfully, and at every trial they are sworn to faithfulness and secresy.

The writings of the holy inquisition are commanded to be kept under three keys, which are to be in the hands of the promoter fiscal and notaries, nor must they be read or shewn to any one, but in the presence of all, on pain of removal without hope of pardon.

The notaries must attend the tribunal of the inquisition, six hours every day. And if any one offends in his office, he may be punished by fine, suspension of office, deprivation, or banishment. <sup>c</sup>

<sup>a</sup> C. ut Officium. sect. ad conscribendum. de hæret. lib. 6. 2 Instruct. Hispal. c. 13. and 4 Instruct. Tolet. c. 18.

<sup>b</sup> Pegna Com. 67.

<sup>c</sup> Epist. dat. Granat. September 4, 1499, and 4 Instruct. Tolet. cap. 28 and 13.



## CHAP. VII.

*Of the JUDGE and RECEIVER of the confiscated Effects.*

“ HE who is chosen judge of the confiscated effects, must be an honest man, and skilful in the law, not of Jewish extract, nor of the Mahometan, nor of an heretical one, but one who may be capable of discharging the office of assessor.<sup>a</sup> His office is, to judge between the treasury and private persons, in causes relating to the effects of heretics. But he may also take cognizance between private persons, when their cause hath any connection with the other. An appeal lies from his sentence to the senate, but not to any other judges. But if the dispute is between the treasury and the church defendant, or between ecclesiastical persons, or concerning the revenues of benefices, the inquisitors are to take cognizance of it, as is more fully contained in one of the resolutions of the senate. The inquisitor general, by advice of the senate, chooses this judge and all the other ministers.

“ He is generally called in Spain the Receiver, whom in Italy they call the Treasurer of the Holy Office.<sup>b</sup> He receives the confiscated effects, and by command of the king is procurator of the treasury, demands, defends, and sells the confiscated goods, and pays the salaries and other expences of the holy office. He who is chosen to the office, must be an honest and wealthy person, capable of making up and reporting his accounts, and must give proper sureties to pay all his deficiencies. He is to be chosen by the inquisitors, according to Carena.<sup>c</sup>

“ It belongs to the office of the receiver to be present at the sequestration of goods, which cannot be done but by the previous command of the inquisitors. It must be performed by the executor, in presence of the receiver, and notary of the sequestrations, and some other notary ; and all the goods of the criminals, which are found in their possession, or are in the

<sup>a</sup> Simanc. tit. 41. sect. 4.<sup>b</sup> Ibid. tit. 43. sect. 1, &c.<sup>c</sup> p. 1 t. 13. n. 1.

hands of others, are to be written down severally in a catalogue or inventory, two copies of which are to be made out, each notary to have one.<sup>a</sup> All the effects are to be delivered to the sequestrator, with an inventory subscribed by the executor, and the said sequestrator and the notaries, one copy of which is to be kept by the notary of the sequestrations. The sequestrator is to be chosen by the executor and receiver, who must be a sufficient citizen, not of kin to the heretic, nor of an evil race. But when the process is formed against any person dead, his effects must not be delivered to the sequestrator, but taken an account of, and sealed up, and left with the possessors under good securities. If any other person's effects are with those of the heretics, they must be immediately delivered to the owners. Debts also must be paid out of the effects delivered in to the sequestrator, without waiting for the issue of the whole cause. Finally, If the criminal be absolved, all his effects must be immediately delivered to him.<sup>b</sup> As to perishable effects, and which may grow worse by keeping, and such also as are too chargeable to keep, viz. Cattle and slaves, the receiver must sell them by command of the inquisitors, without whose permission nothing can be done.

“ When the necessary expences are deducted, the surplus money which remains out of the sale of the effects, is to be deposited with the sequestrator, of which the receiver must touch nothing till the criminal is condemned. As to other things which may be kept, they are to be hired out at reasonable prices by the receiver and sequestrator. But these and other the confiscated effects, must not be sold but by auction, and then go to the best bidder. The same is to be observed as to the effects which are hired out.<sup>c</sup> In these sales the receiver must use great fidelity and diligence, and though he promises after the rate of two or three per cent. for the recovery of any effects, yet when they are recovered, he must allow only one.

“ When the heretic is condemned, the sequestrator must immediately deliver all the effects to the receiver before two

<sup>a</sup> 2 Instruct. Hispal. cap. 8.

<sup>b</sup> 4 Instruct. Tolet. cap. 22.

<sup>c</sup> 2 Instruct. Hispal. cap. 9.

notaries, nor can he receive or sell any thing but in their presence. But the judge of the confiscated effects may at the instances of the receiver give notice by the criers of the future auction. If any one thinks himself to be concerned in it, he may, when he knows the effects are to be sold, come to the judge and demand his own, and sue for his right. If no one comes, the immoveable effects are to be sold, and to be put up to sale by auction the thirtieth day, after the public notices, and other customary things of the city, before the receiver and other parties concerned.<sup>a</sup>

“As to those effects which are disputed, they must not be sold by the receiver, till the suit is finished. As to effects that are pawned, the receivers may sell them, not so as to prejudice the right of the creditors; but if the effects amount to more than the debt, they must be sold, and the former creditors first paid, and the remainder carried into the treasury.<sup>b</sup> However, the sale of the forfeited effects is not to be deferred upon account of actions, that do not appear to have any just foundation, but such effects are to be sold, and such a sum must be deposited in the sequestrator's hands, that is equal to the value of the debt sued for, and the charges of the suit. Farther, if there be any effects which are to be in common between the treasury and others, they must be divided, if it can be done conveniently: if it cannot, and it appears better to sell them entire and without division, the treasury hath the privilege to order all of them to be sold by the receiver, although the least part belongs to it, but must receive no more than its proper debt, and pay the remainder to the other creditors.<sup>c</sup>

“The receivers must omit none of these things; if they do, they incur the sentence of excommunication, and are to be fined 100 pieces of gold, and make good all losses to the treasury.<sup>d</sup>

“The receivers of one province must not seize on the effects of heretics which belong to other receivers, but give them

<sup>a</sup> 4 Instruct. Tolet. cap. 24.

<sup>b</sup> Ibid. cap. 23.

<sup>c</sup> Ibid.

<sup>d</sup> eod. cap. 23.

more certain notice of such effects; otherwise they are deprived of their office, and pay the loss, and double more.<sup>a</sup>

“All the monies received by the sequestrator, and the money that arises from the sale of the effects, the receivers must deposit within three days after into the public chest, which must be locked up with three keys, which the holy senate hath ordered under excommunication, and a fine.

“The receivers of the treasury cannot forgive any monies to debtors, and if any are forgiven by them, they are reclaimed; nor can they make any bargain or composition with them.<sup>b</sup>



## CHAP. VIII.

### *Of the EXECUTOR and OFFICIALS of the INQUISITION.*

“THE executor is he who executes the commands of the inquisitors.<sup>c</sup> His office is principally to apprehend and keep in custody, criminals, whom he is obliged to pursue, if they are at a distance, and to put in irons, and to be content with his appointed salary. But if it be needful for the familiars to attend him, they must have a salary appointed by the inquisitors, to be paid by the receiver out of the treasury. And as he is a mere executor of a command, he must carefully keep within his bounds, and punctually execute the order of the judges.—These they also call apparitors and pursevants.”<sup>d</sup>

Their office is the same with theirs who are otherwise called officials, concerning whom Innocent IV.<sup>e</sup> hath ordained these things, by a constitution, beginning, *Ad extirpanda*, as they are all placed in order, in a book, entitled, “The Manner of proceeding against heretics, ascribed to John Calderine.”

“Let the governor or ruler be obliged, within three days

<sup>a</sup> 2 Instruct. cap. 2.

<sup>b</sup> 4 Instruct. cap. 23.

<sup>c</sup> Simanca, tit. 41. sect. 5.

<sup>d</sup> 4 Instruct. Tolet. cap. 26.

<sup>e</sup> Bzovius, A. 1252, sect. 3.



after his entrance into his government, to appoint twelve honest and Catholic men, and two notaries, and two servitors, or as many as shall be necessary, whom the diocesan, if present, and willing to be concerned, and two friars predicants, and two minorites, deputed to this service by their priors, if there should be there convents of the said order, shall think proper to be chosen. Such persons, when appointed and chosen, may and ought to take up heretical men and women, to seize on their effects, and to cause them to be seized on by others, and to cause that these things be fully done, as well in the city, as in his whole jurisdiction and district, and to bring them, and cause them to be brought, into the power of the diocesan or his vicars.

“ Let their office continue only during six months, after which let the governor be obliged to substitute so many other officials, according to the prescribed form, who may execute the aforesaid office, according to the said form, for the six months next following.

“ But let them not be compelled to any other office or employment, that doth, or may in any manner, hinder the said office, nor let any statute made, or to be made, hinder, by any means, their office.

“ Let full credit be given to these aforesaid officials, concerning all things which are known to belong to their office, without requiring from them any special oath, or admitting any proof to the contrary, when two or more of them shall be present. Farther, when these officials are chosen, let them swear to execute all these things faithfully, and according to their power, and to speak nothing but the truth concerning all these things, so that they may be more fully obeyed in all things appertaining to their office, and let the said twelve and their servitors, and the before appointed notaries, together or separately, have full power of commanding, upon pain of punishment and the ban, (or curse) all things appertaining to their office, and let the governor or ruler, be obliged to confirm and ratify, all their commands which they shall give relating to their office, and punish those who do not observe them.

“Farther, let the governor be obliged to send with their officials, one of his soldiers, or some other assistant, if the diocesan, or his vicar, or the inquisitors deputed by the apostolic see, or the said officials shall demand it; and let such soldier faithfully execute his office with them. Let every one also, if he be present, or required, whether in the city jurisdiction or district, be obliged to grant to these officials or their companions, counsel and assistance, when they will apprehend, seize the effects of, or make enquiry concerning any heretical man or woman, or enter into any house or place, or passage, to take heretics, under the punishment of twenty-five imperial pounds, or the ban. Let every corporate town be obliged to it, under the penalty of an hundred pounds and ban, and a village under the penalty of fifty, to be paid every time in ready money.”

Alexander IV. A. D. 1255, wrote to the inquisitors of Liguria,<sup>a</sup> and Insubria,<sup>b</sup> “That the aforesaid officials may command any city, borough, or village, under the penalty and ban of 1200 marks of silver and more, at the pleasure of the governor of such place, that they shall present, within a competent time fixed, to the governor, or diocesan, or his vicar, or the inquisitors of heretics, all heretical men and women, which the said officials shall signify to them. And the governor of such place shall be obliged to exact this punishment from all who do not observe this order.”

Innocent IV. adds in the same bull, “That if any loss shall at any time happen to the said officials, in their persons and effects, in executing their office, they shall be indemnified with full restitution by such city, or place, and that the said officials, or their heirs, shall not at any time, be sued for any thing they have done, or belonging to their office, any farther than as the said diocesan and friars think fit.

“And if the aforesaid diocesan or friars shall think fit to remove any one of the said officials, for being unskilful or improper, or for any engagement, or excess, the governor or chief

<sup>a</sup> Containing the towns of Genova, Nizza, Vintimilia, Albenga, Polenza, Alba, Aste, Aich, Tortona, and Voghera.

<sup>b</sup> Containing Milan, Lodi, Crema, and Monza.

officer shall be obliged to remove him at their command and appointment, and to substitute another in his place, according to the prescribed form.

“ But if any one of them shall, contrary to his oath, or duty of his office, be found to have favoured heresy; besides the mark of perpetual infamy which he shall incur, as a favourer of heretics, let him be punished by the governor or chief officer, at the pleasure of the Diocesan of the place and the said friars.”



## CHAP. IX.

### *Of the FAMILIARS or ATTENDANTS.*

INNOCENT III. granted large indulgences and privileges to those, who should accompany or assist the inquisitor, in his making inquisition against and punishing heretics, that this newly appointed office might have the more happy success.— Hence the soldiers, who were assistants and helpers to the inquisitor, were commonly called familiars,<sup>a</sup> as belonging to the inquisitor's family. In some provinces of Italy they are called cross-bearers, and in others, the scholars of St. Peter the Martyr, and they wear a cross before them upon the outside garment.

Anciently certain persons were appointed,<sup>b</sup> whose office it was to use all diligence in searching out heretics,<sup>c</sup> and to this

<sup>a</sup> The familiars are the bailiffs of the Inquisition, which, though a vile office in all other criminal courts, is esteemed so honourable in this of the Inquisition, that there is not a nobleman in the kingdom of Portugal that is not in it, and such are commonly employed by the inquisitors to apprehend people. Neither is it any wonder that persons of the highest quality desire to be thus employed, since the same plenary indulgence is granted by the pope to every single exercise of this office, as was granted by the Lateran council to those who succoured the holy land.

Dr. Geddes's Tracts, vol. i. p. 425, 426.

<sup>b</sup> Pegna, Prox. Inq. cap. 5. sect. 3.

<sup>c</sup> When the familiar is sent for to apprehend any person, he hath the following order put into his hand:—“ By the command of the reverend father

purpose they applied the decree of the council of Biterre, cap. 34. "In all parishes, as well within cities as without them, let one priest, or two or three of the laity of good reputation, or more if need be, be bound by oath to remove and change, as often as it shall seem good to you (the inquisitors) who diligently, faithfully, and frequently may search out heretics in villages, and find them when out of their houses, their subterraneous shelters, huts, and fastnesses, and all other their hiding places, all which let them cause to be stopped up or destroyed."—"The familiars or cross-bearers are now in their room: and they are then especially in service, when the bishops or inquisitors have dioceses bordering upon, and near to, the lands of heretics, or persons suspected of heresy, so that a mutual commerce can scarce be avoided amongst them. For as then they may more reasonably be afraid, lest those who are subject to them, and belong to their jurisdiction, should be infected and corrupted by heretics, they ought to use the strictest diligence to know with whom heretics lodge, and into whose houses they are received; and whether any subject to them go to the neighbouring towns of heretics, and for what cause, and whether they have brought from thence the poison of heretical pravity, by doctrines they have heard or read." So careful are they, upon every occasion, that there shall not be the least dispute about any of the doctrines of their church.

But now the familiars always accompany the inquisitors in Spain, even though they are free from the danger which Pegna<sup>b</sup> was so very solicitous about. Simancas describes to us their office and immunities.

N. an inquisitor of heretical pravity, let N. be apprehended and committed to the prisons of this holy office, and not be released out of them, but by the express order of the said reverend inquisitor." And if several persons are to be taken up at the same time, the familiars are commanded so to order things, that they may know nothing of one another's being apprehended. And at this the familiars are so expert, that a father, and his three sons, and three daughters, who lived together in the same house, were all carried prisoners to the Inquisition, without knowing any thing of one another's being there until seven years afterwards, when they that were alive came forth in an *Act of Faith*.

Geddes, vol. 1. p. 429.

<sup>a</sup> Pegna, Prox. Inq. cap. 5, sect. 4, 5.

<sup>b</sup> Tit. 11. sect. 15.



“The familiars or attendants are necessary to accompany the inquisitors, and to defend them, if need be, from the insults of heretics; and to follow the executor when going to apprehend criminals; and to do other things which the judges shall think proper to fulfil the duty of the holy office of the Inquisition. The familiars are allowed to use arms, but must not abuse them. Such as are to be chosen, must be good, peaceable, and married men, as it is provided by a certain letter of the council; and no more must be admitted but what the necessity of the office requires.”<sup>a</sup>

“The familiars have no salaries, but are endowed with certain privileges, their number is limited; in the city of Toledo fifty; in Seville fifty; in Grenada fifty;—forty in Corduba, Cuence and Valladolid; at Calaborre and Irena twenty-five; in the city of Murcia thirty. In every town of 300 burgesses six; in those of 500 four, and in lesser towns two. But in every seaport or frontier town four.

“The magistrates and governors must have a list of the familiars, that they may know them, and in all civil causes they may be cited before them, as if they were not familiars, though in criminal causes, they cannot be punished by any but the inquisitors, except for treason, rebellion, &c.; and if any difference should arise between the inquisitors and magistrates, on this subject, the cause is to be referred to the king, when it shall be delivered over to those judges to whom it belongs, without noise, or form of judgment.”



## CHAP. X.

### *Of the CROSS-BEARERS.*

BESIDES these familiars, there is another sort of them, called cross-bearers, instituted by Dominic,<sup>b</sup> to whom he gave

<sup>a</sup> Clement. 2. sect. ult. de hæret.

<sup>b</sup> Campeg. in Zanch. cap. 9. f. 241. cap. 1.

such constitutions and laws for their direction, as obliges them vigorously to prosecute heretics, and when there is need, to endeavour, with the greatest violence, their destruction. "They make a vow between the hands of the inquisitors to defend the Catholic faith, though with the loss of fortune and life; and may be compelled to perform their vow. The Popes have honoured this fraternity with many graces, indulgences and favours," which may be seen at large in Campegius. Bernard Comnensis gives us the main of them in his light of the inquisitors.

"Their indulgence is,<sup>a</sup> (1.) Their having a plenary remission of all their sins. This was granted by Alexander IV. in a privilege beginning, *Præcunctis*, and by Gregory IX. and Clement IV. and also by the Extravagants.<sup>b</sup> But upon this condition, that they vigorously prosecute their vow in aid of the Inquisition, even to death. (2.) Every such cross-bearer may be absolved by the Inquisition, from every sentence of excommunication, suspension and interdict of a canon; and from those especially which he may have incurred for the burning of churches, or laying violent hands on ecclesiastical persons, and from all other sentences generally promulgated by the apostolic see. (3.) The Inquisition may dispense with these cross-bearers, if of the clergy, for all irregularities they may have contracted by celebrating divine service, when under any canonical sentence. (4.) All their vows may be commuted for by the inquisitors; those only excepted of the holy land, and which are perpetual. (5.) The inquisitors may allow them to be present at divine services, and to receive the ecclesiastical sacraments in such places where, by the apostolic indulgence, they are allowed to be administered, in the time of a general interdict. All these things appear by a privilege granted by Innocent IV. which begins, *Malitia, hujus temporis*." These privileges were confirmed by Pius V. by his constitution, beginning, *Sacrosanctæ Romanæ and universali Ecclesiæ*,<sup>c</sup> so

<sup>a</sup> In voce Indulgentia cruce signatorum.

<sup>b</sup> De hæret. cap. excommun. sect. Catholici vero.

<sup>c</sup> Dated October 13, 1570.

far as they are not repugnant to the decrees of the council of Trent.

From these privileges it appears,<sup>a</sup> that when the faithful are to take the cross, their vow must be made only before the inquisitors or their vicars; and that they receive no advantage from them, unless they have the inquisitors leave. These things and the like, Campegius thinks, should be preached to the cross-bearers, least they should pretend ignorance. For he saith, “that he discovered many errors and abuses of these cross-bearers, in a city, within his province of the Inquisition; for he found a large number of them, who did not enter into this warfare by the door, nor receive the cross from any inquisitor or vicar; but that the very laics, the ministers of this same fraternity, whom they call officials or massaries, wrote the names of others that came to them in the book of the cross-bearers; and thus unjustly invaded the province of the Inquisition.” He adds moreover, “not being able to bear this, I made a sermon on the cross, in the cathedral, according to the ancient stile of the inquisitors, granting the usual indulgence to the auditors; and publicly admonished them of their public error, and particularly explained what they ought hereafter to do; who upon discovery of the truth, submitted, after many disputes, and the advice of advocates. For they would have had, even against my will, that some of these should have assisted at the examinations, as though it belonged to them of right. Whereas I declared, that the inquisitor was the head and captain of the cross-bearers, and therefore would not have them preside over the inquisitors, but according to equity be subject to it.

“The office of those cross-bearers is to provide the inquisitors with necessaries;<sup>b</sup> so that they are excommunicated if they refuse to give money to the inquisitor, when he asks and wants it for the service of the office of the Inquisition; because private persons, who have bound themselves by oath or vow, are even by omission said to be favourers, viz. if they do not manifest, or perform what they have promised by vow.’

<sup>a</sup> Campeg. cap. 37. fol. 267. verso.

<sup>b</sup> Lucerna Inquis.

These cross-bearers were heretofore of great use to the inquirers.<sup>a</sup> But in process of time, as there was no need of arms to subdue heretics, the name of this warfare grew into disuse; and with the change of some of their constitutions, they were called, of the penance of St. Dominic, in honour of their founder. This religious order is the third of those instituted by Dominic, the constitutions of which have been confirmed by the Roman pontiffs.



## CHAP. XI.

### *Of the VISITORS of the INQUISITORS.*

“AS the office of the inquisitors and other ministers were perpetual,<sup>b</sup> it was necessary, that sometimes they should give an account of their behaviour. Therefore there was a magistrate created to visit the inquisitors, and all the other ministers, who was called the visitor. His office was to visit all the provinces of the inquisitors, and report to the inquisitor general and council whatever was proper to be amended. He was strictly to keep to his instructions, not to be the guest of those he visited, nor to receive any thing from them himself, or by others. If one was not sufficient they might chuse more.” Simancas adds, that his great uncle, Francis Simancas, arch-deacon of Cordova, enjoyed this office without any colleague. But now they appoint visitors privately, as often as it is any where necessary.<sup>c</sup>

“All the ministers of the holy Inquisition are obliged to swear before the inquisitors and bishops, or his vicar, that they will faithfully discharge the trust committed to them. The inquisitors, counsellors, and others also swear, that they will faithfully conceal all secrets, which if any one dares to discover,

<sup>a</sup> Param. l. 2. t. 3. c. 3. n. 7.

<sup>b</sup> Simanc. tit. 41. sect. 27, 28.

<sup>c</sup> 4 Instruct. Tolet. c. 3. sect. 30, 31.



he is to be deprived of his office, and to suffer other punishments, according to the nature of his crime.

“ It is also part of their instructions,<sup>a</sup> that the inquisitors, and all other ministers, shall serve in the offices, by themselves, and not by their substitutes; the ministers are not to absent themselves without leave of the inquisitors, which must not extend to above twenty days. If any one is longer absent, or goes without leave, he must be deprived of his salary, his absence is to be noted, and his salary not paid by the receiver, without first inspecting the book of defaults, according to several letters of the council.

“ Farther,<sup>b</sup> no one must be a minister of this holy office in any province where the inquisitor is either kin to him, or his Lord. It is also prohibited for any minister to intermeddle in any negociation, either by himself or others. He who contravenes this order is to be deprived of his office, and fined 20000 pieces. He who doth not discover this is to be excommunicated.<sup>c</sup>

“ If any lesser crime be committed by those ministers,<sup>d</sup> they may be punished by the inquisitors. If their offence be more grievous, it must be reported to the inquisitor general and council, that if the case requires it,<sup>e</sup> they may be deprived of their office.<sup>f</sup> It is also prohibited by the same instructions for any one to be in two offices, or enjoy two salaries.”<sup>g</sup>



## CHAP. XII.

### *Concerning the Duty or power of every MAGISTRATE.*

THUS far we have treated of the ministers which belong to the Inquisition of heretics. The civil magistrate hath no

<sup>a</sup> 4 Instruct. Tolet. c. 3. sect. 35, 36.

<sup>b</sup> Ibid. sect. 38.

<sup>c</sup> 4 Instruct. Tolet. cap. 12. fol. 21. And at the end of all the written and printed instructions.

<sup>d</sup> 4 Instruct. Tolet. c. 3. sect. 39.

<sup>e</sup> Ibid. sect. 40.

<sup>f</sup> 1 Instruct. Hispal. c. 27.

<sup>g</sup> 4 Instruct. Tolet. cap. 18.

part in this affair; for he is entirely excluded from all cognizance of the crime of heresy. Thus Simancas<sup>a</sup> teaches: “the cognizance of heresy solely belongs to the ecclesiastical judge, because this is a crime committed against the faith and religion; for as to those crimes which the secular administration knows nothing of, and which are declared such by the Christian religion, such as heresy, schism, and others of the like sort, the ecclesiastical judge only hath cognizance of them. And therefore to whatsoever branch of the secular judgment the cognizance of such crimes may at any time happen, it must be immediately referred to the ecclesiastical judges.

“It is more largely forbidden by the royal laws at this day in Spain,<sup>b</sup> that no one of the secular judges, of whatsoever dignity and power, shall by any means presume to take cognizance even of those civil or criminal causes which belong to the inquisitors, and the judges of forfeited effects; no not under pretence of relieving persons oppressed by violence, which, in other cases would be a most wholesome and present remedy to redress the grievances of the ecclesiastical judges. However, if any will appeal in the before-mentioned causes, they must apply to the council of the holy general Inquisition. This royal command was dated at Burgos, March 7, 1508, and renewed 1553.”

However, they stand in need of the arms and power of the magistrate, for the punishment of heretics, and that they may execute the sentences pronounced against them. For it is not lawful for ecclesiastical persons to kill any one. Therefore they desire to have all magistrates obedient to their commands, and to have no liberty of conscience granted by them to heretics, but insist on their being ready and prepared to draw their swords against heretics at the Pope's command.<sup>c</sup> This is the doctrine of Maldonet, explaining the parable of the tares sown amongst the wheat. For after he hath said that the Calvinists and Lutherans are to be cut off as manifest heretics, he adds these things; “Not that I speak thus, as though I had not

<sup>a</sup> Tit. 36. sect. 1.

<sup>b</sup> Ibid. sect. 2.

<sup>c</sup> Comment. in Mat. xiii. 26.

rather have them converted than put to death. All that I intend is to admonish princes, or because princes may not read these things, those who can advise them, that it is not lawful for them to grant heretics those liberties of conscience, as they are called, too much in use, in our days, unless first of all the church, or the Roman pontiff, who is the head of the church, the person of Christ, and as it were the father of the family, shall judge, that the tares cannot be plucked up unless the wheat also be destroyed; and that it is for the advantage of the church to permit both to grow together till the harvest. In this matter princes, who are but the servants of the father of the family, are not to judge, but the father of the family himself, i. e. the governor of the church. Nor should princes ask the father of the family, that he would suffer both to grow till the harvest, but whether it be his pleasure that they should go and pluck up the tares. They ought to be so affected and prepared, as to need rather to be restrained than incited by the father of the family."

But because there is but seldom such a readiness in kings and princes to extirpate heretics, the ecclesiastics are incessantly urging them on till they have prevailed on them to yield to them all things. Farther, they affirm that this is the duty of the Pope and the other bishops, as we read in Conrad Brunus,<sup>a</sup> in his book of heretics and schismatics.<sup>b</sup>

<sup>a</sup> L. 3. c. 8. sect. 1.

<sup>b</sup> It belongs to the duty of the Roman pontiff and the other bishops, diligently to admonish the emperor, and other kings and princes, under whose government there arise heresies and schisms, as often as there is need; first, that they preserve the true and Catholic religion and faith, and observe the commands of God; and secondly, that they every where suppress and extinguish heretical impiety, by the discipline and rigour of the secular power, which the sacerdotal office cannot do by their doctrine and ecclesiastical censures. Thus Pope Leo implored the assistance of the emperor against heretics, in his 55th letter to the emperor Martian, and 36th to the empress Pulcheria, and 23rd to the emperor Theodosius II. It belongs also to the care and concern of the Pope, to take certain good and faithful men in the court of every prince, who may enquire out heretics, and every thing that belongs to the defence of the Catholic faith, and the preservation of unity; and put the prince in mind of whatsoever is necessary to peace, and inform the Pope of all such transactions whatsoever; as we find it in the 34th and

But not content with this, the Popes, by their decrees, bulls and rescripts, command all magistrates whatsoever, to yield all assistance to the inquisitors, severely threatening them with the most grievous punishments, if they are wanting to their duty. All which things are laid together in the book concerning the form of proceeding against heretics, generally ascribed to John Calderine.

These constitutions wholly subject the secular magistrate to the inquisitors, who bid them draw their sword at their pleasure, and readily execute their commands with a blind obedience.

### CHAP. XIII.

#### *Of the Privileges of the INQUISITORS.*

AS we have briefly described the offices of all the ministers of the Inquisition, it remains now that we treat more fully and distinctly of the inquisitors, who are the chief of all. We will therefore give an account of their privileges and power.

The privileges of the inquisitors are many and great, which the popes of Rome have granted them with a liberal hand, that they may more cheerfully perform their duty, and vigorously execute the laws made against heretics.

Urban IV.<sup>a</sup> by a bull, beginning, *Ne Inquisitionis negotium*, grants the inquisitors, “ that no delegate of the apostolic see, or sub-delegate under him, no conservator, or executor deputed by the said apostolic see, or hereafter to be deputed, shall be able to publish the sentence of excommunication, suspension or interdict against them, or their four notaries or writers faithfully obeying them in these matters, whilst they shall be

80th letters of Leo to bishop Julian, the 55th to the emperor Martian, and 73d to the emperor Leo.

<sup>a</sup> Eymer. p. 3. Q. 21.



engaged in the prosecution of this affair, without the special command of the aforesaid see, making full and express mention of this indulgence; and he decrees every things done contrary hereto to be null and void." This privilege is granted them, that the causes of religion may not be forsaken or hindered by the excommunication of the inquisitors, and other ministers of the office, and heretics in the mean while go unpunished by such hindrances of their judges.

He hath granted the same also by a special privilege to the inquisitors of the orders of predicants and minors, that they may not be hindered by their superiors in the causes of faith.<sup>a</sup>

It is also granted to the inquisitors in favour of the faith,<sup>b</sup> that when they cannot, without loss of time, and danger to the affair, have recourse to their superiors, who, in such places may lawfully execute justice, they may require the temporal lords, and their officials, though excommunicated, to afford them their assistance and favour, according to their office, without incurring themselves the penalty of excommunica-

<sup>a</sup> If it should so happen that the master and minister general, and other priors and ministers provincial, and keepers and guardians of other places of your order, shall, under pretence of certain privileges or indulgences of the same apostolic see granted to the said orders, or hereafter to be granted, enjoin, or in any manner command you, or any one or more of you, that you supersede this affair for a time, or as to certain articles, or certain persons; we by our apostolic authority do strictly prohibit you, and all and singular of you, that ye do not presume in this, or by any means whatsoever, to obey and submit to them. For we, by the tenor of these present, do revoke all such privileges or indulgences, as far as relates to this article, and do wholly pronounce null and void all sentences of excommunication, interdict and suspension, if it shall so happen that they have been pronounced against you, or any of you, upon this occasion. For if the aforesaid see doth sometimes give commission, under a certain form, by its letters to any prelates of your orders, that they shall be able to take certain friars of their orders to execute the office of the Inquisition against heretical pravity, and to remove them when they think expedient, and to substitute others, yet by this there is no faculty, jurisdiction or power granted them in this affair, immediately committed, or to be committed to you by the aforesaid see, because the only reason why such commission in such part is granted them is, that they are presumed to have a more full knowledge of the fitness of the friars of their own order.

<sup>b</sup> Eymer. p. 3. Q. 22.

tion:<sup>a</sup> “though they require such excommunicated persons, they shall not therefore incur the sentence of excommunication.<sup>b</sup> Agreeable to this, although the acts of tyrants are in law void and null, yet in favour of the faith, if a tyrant, or any other unjust lord, by command of the inquisitors, doth any thing against heretics, it is valid.

The inquisitors only, and not the ordinaries, can publish edicts against heretics. Thus a certain edict, published by command of the ordinary, during the time of Lent, was revoked.<sup>c</sup>

Likewise the inquisitors only, and no others, can absolve from excommunication for heresy contracted, by virtue of a jubilee, or letters of the apostolic see,<sup>d</sup> and even from the sentence of excommunication, which the Pope himself pronounces against them at the festival of the sacrament.

The inquisitors can excommunicate, suspend, and interdict.<sup>e</sup> They can also command any presbyter with cure or without, to publish monitory letters made by him, and denounce before the people the persons excommunicated by them. And if he refuses to do it, they may punish such Presbyter, not only with a censure, but with some other punishment.

Persons under excommunication or interdict by the inquisitor, cannot be absolved by the ordinary, or any other person, without the command of the Pope, except in the article of death.

The inquisitors may apprehend heretics,<sup>f</sup> though they fly to churches; nor can the bishops hinder them from this under any pretence. As John XXII. hath decreed by a constitution, beginning, *Ex parte vestra*.

The inquisitor may prohibit the secular judge from proceeding against any person upon account of any processes made by the inquisitor himself,<sup>g</sup> or upon occasion of any confession made before such inquisitor.<sup>h</sup>

<sup>a</sup> Per cap. Præsidentes de hæret. l. 6.

<sup>b</sup> Pegna, com. 71.

<sup>c</sup> Royas, p. 2. sect. 425.

<sup>d</sup> Ibid. sect. 416.

<sup>e</sup> Pegna, Lucern. Inq. in voce Excommunicata. Lucern. in voce Inq. hærrprav.

<sup>f</sup> Ibid. in voce Excommunicatus.

<sup>g</sup> Carena, p. 1. t. 5. n. 96. Lucern, in voce Index.

<sup>h</sup> See cap. Tuam. de ordi. cogni.

Whosoever by himself or other shall kill, or beat, or strike any of the inquisitors or officials of the holy office,<sup>a</sup> he is to be delivered over to the secular court without any charge of irregularity, according to the grant of Pope Leo X.<sup>b</sup> The aforesaid grant is now extended to those who damage the effects of the inquisitors, or officials, by the proper motion of Pius V.<sup>c</sup>

Likewise the inquisitors receive the entire fruits of their benefices,<sup>d</sup> together with the daily distributions, when absent; as appears in the letters of Paul III. and Pius V. which are in the first volume of the letters of the Inquisition in Valentia.<sup>e</sup>

The pensions reserved by the apostolic authority to the holy office,<sup>f</sup> are free from the payment of the fifteenth, as the supreme congregation of the holy office hath declared,<sup>g</sup> for the inquisitor at Pavia against the chapter of the metropolitan church at Milan. The Pope hath also often declared that the benefices united to the Inquisitions are free from payment of the tenths.

They are also free from all real and personal offices,<sup>h</sup> and even from the law of the generality, by a special royal privilege, which is also extended to some of the officials, as is more fully contained in the said first volume.<sup>i</sup>

Lodgings, provisions, and other necessities,<sup>k</sup> are to be provided for the inquisitors and their officials at a just price, according to the tenor of the privilege of queen Joan.

The inquisitors may make statutes against heretics,<sup>l</sup> and encrease the punishments against them.

They may also carry witnesses above two days journey.

Farther, Urban IV.<sup>m</sup> hath granted another privilege to the inquisitors, that they may absolve themselves and their assistants, and dispense with themselves as to their irregularity.

<sup>a</sup> Royas, p. 2. sect. 419.

<sup>b</sup> Dated at Florence, Jan. 28, 1515.

<sup>c</sup> Dated at Rome, 1569.

<sup>d</sup> Ibid. sect. 420.

<sup>e</sup> Fol. 308.

<sup>f</sup> Carena, p. 1. t. 5. n. 97.

<sup>g</sup> Jan. 4. 1622.

<sup>h</sup> Ibid. sect. 421.

<sup>i</sup> Fol. 288.

<sup>k</sup> Carena, p. 1. t. 5. n. 424,

<sup>l</sup> Ibid. 440.

<sup>m</sup> Eymer. p. 3. qu. 13

“That you may more freely promote the affair of the faith, we grant you by the authority of these present, that if it should happen that you, and the friars of your order, your assistants, should in any cases, by human frailty, incur the sentence of excommunication and irregularity, or remember that you have incurred it; since you cannot easily, on this account, have recourse to your priors, because of the office enjoined you, you may mutually absolve one another upon these accounts, according to the form of the church, and by our authority may dispense with yourselves, in cases in which the said priors can do it by grant of the apostolic see.” They can likewise absolve their servants and familiars from excommunication for apprehending any one upon account of their office, as Innocent IV. says in a bull, beginning, *Devotionis vestrae*.

But there are three cases in which the inquisitors cannot mutually absolve themselves. The first is, when they have omitted to proceed against any one they ought to have proceeded against. The second, when they have falsely charged any one with heresy, or said that they have hindered the holy office, who in reality have not.<sup>a</sup> But the inquisitors are not

<sup>a</sup> But because it is very heinous not to act for the extirpation of the aforesaid pravity, when such infectious wickedness requires it, it is also very heinous, and most worthy of condemnation, maliciously to charge innocent persons with such pravity. We therefore command the aforesaid bishop and inquisitor, and others substituted by them to execute the said office, in virtue of their holy obedience, and under the threatening of eternal damnation, that they proceed so discreetly and readily against persons suspected or defamed for such pravity, that they do not maliciously or fraudulently, falsely charge any one with so great a crime, or with hindering them in the execution of the office of the Inquisition. But if through hatred, favour, or love, or with a view of any temporal gain or profit, the bishop or superior shall omit to proceed against any one, contrary to justice and their conscience, when they ought to proceed upon such pravity; or with the same view shall charge any one with such pravity, or hindering the office, and upon this account shall by any means presume to trouble him, besides other punishments to be inflicted on them, according to the quality of the fault, such bishop or superior shall hereby incur the sentence of suspension from his office for three years, and others the sentence of excommunication. From which sentence of excommunication, those who incur it shall not obtain the benefit of absolution from any one but the pope himself, except in the article of death, and not then without satisfaction made, any privilege whatsoever to the contrary notwithstanding.



subject to this penalty, if they omit to proceed through ignorance, but only when they know they ought to have proceeded, and have then omitted to proceed through hatred, favour, love, money, or entreaty, contrary to justice and their own conscience; or, on the other hand, have proceeded when they ought not. The third case is, when they have unlawfully extorted money, under pretence of their office, or have confiscated the effects of the church for the offences of the clergy.<sup>a</sup>

Amongst the privileges of the inquisitors it is not the least,<sup>b</sup> that the inquisitor hath power of granting an indulgence of twenty or forty days, as he shall see fit, to all that are truly penitent, and confessed, and who attend on his sermon made for the faith, according to the rescript of Innocent, Clement, Alexander, and Urban IV. *præ cunctis*. They can also release from the penances enjoined them, for three years, all the companions and friars of the inquisitor, and also his notaries, who have laboured together with them in the prosecution of this affair, and who have, from their hearts, personally afforded assistance, counsel, and favour, against heretics, their favourers, receivers, and defenders. And if any of them should happen to die in the prosecution of this business, they grant them full pardon of all their sins, for which they are contrite in heart, and confess with their mouth.<sup>c</sup> Pegna tells us, that the cross-

<sup>a</sup> Clement de hæret. cap. nolentes. We also do more strictly enjoin all their commissaries whatsoever, as well as those of bishops and chapters, during the vacancy of the see, deputed for this affair, that they shall not extort money from any persons by any unlawful means whatsoever, under pretence of the office of the Inquisition; and that they shall not knowingly attempt to confiscate to the church the church's effects, for any offence of the clergy. And if any act contrary to these things, or any one of them, we decree that they shall be actually excommunicated, from which they shall not be absolved, unless in the article of death, till they have made full satisfaction to those from whom they have extorted money: all privileges, agreements, or remissions whatsoever to the contrary notwithstanding.

<sup>b</sup> Eymer. 3. part. qu. 127, com. 176.

<sup>c</sup> Thus Gregory IX. in his rescript, beginning, *Ille humani generis*: "Add to these things, in order to their more freely and effectually executing the office committed to them in all the premises, we, confiding in the mercy of Almighty God, and in the authority of the blessed Peter and Paul, his apostles, do release for three years from the penance enjoined them, all who shall

bearers enjoy this privilege to this day, and they are the same with the familiars in Spain, who are at the command of the inquisitors, and execute all things they order them, to promote this holy office, the propagation of the faith, and the extirpation of heretical pravity. But as there are extant,<sup>a</sup> the bulls of five popes, who every one of them grant these three years of indulgences, some infer from hence, that these three years of indulgences are to be added together, and therefore that indulgences of fifteen years are granted to all who promote the office of the Inquisition, for every time and instance. And Pegna, who believed once that the indulgences of the former popes were only confirmed by the bulls of the latter, says there is reason to add them to one another.

But to the inquisitors themselves, is granted a plenary indulgence in life and death, by a rescript of Alexander IV. beginning, *Firmissime teneat*.<sup>b</sup>

attend on their (the inquisitors) preaching, twenty days in their several stations; and all those who shall, from their heart, afford assistance, counsel, and favour to the subduing of heretics, and their favourers, receivers, and defenders, in their fortified places and castles, or any other that rebel against the church. And if any such should happen to die in the prosecution of this affair, we grant them full pardon of all their sins, for which they are contrite in their heart, and which they confess with their mouths."

Eymer. 3 part. qu. 127. com. 178. ¶

<sup>a</sup> Lucern. Inq. in voc. *Indulgentia eorumque*.

<sup>b</sup> It reads thus:—"By the mercy of Almighty God, and confiding in the authority of his blessed Apostles, Peter and Paul, we grant unto you, being truly penitent, and confessed, full pardon of your sins." And by a rescript of Urban IV. and Clement IV. beginning, *Præ cunctus*:—"And to you who labour in this affair, we grant you that pardon of sins, which was granted in a general council, to those who succour the holy land." This indulgence was granted by Innocent III. in the Lateran council at Rome, Anno 1215, and runs thus:—"In order to recover the holy land, &c. we, trusting in the mercy of Almighty God, and in the authority of the blessed apostles, Peter and Paul, by that power of binding and loosing, which God hath conferred upon us, though unworthy, do grant to all who undertake this labour in their own persons, and at their own proper expence, full pardon of all their sins, for which they shall be duly contrite in heart, and confess with their mouths, and do promise them an increase of eternal salvation, at the retribution of the just. And as to those who shall not go thither in their own persons, but only shall appoint proper persons, according to their ability and faculty, maintaining them at their own expences; and as to those also who go thither in their own persons, though at the expence of others, we grant

This plenary indulgence the repertory of the Inquisition extends so far,<sup>a</sup> as that the inquisitors shall not only obtain it once in their lives, but by all perfect acts whatsoever, that are celebrated against heretics, in favour and to the praise of the faith.



## CHAP. XIV.

### *Of the AMPLITUDE of the JURISDICTION of the INQUISITORS.*

BECAUSE the inquisitors are judges delegated by the pope in the cause of faith, that all heresy may be wholly extirpated according to the pope's pleasure, power is given them in favour of the faith, of proceeding against all sorts of persons whatsoever. Few only are excepted. The inquisitor cannot proceed against the officials and legates of the apostolic see, nor against bishops; but he may give notice of their crimes to the apostolic see.<sup>b</sup> John XXII. ordained the same, when Matthew de Pontiniano, a predicant, inquisitor of heretical pravity, in the kingdom of Sicily, pronounced sentence of excommunication against G. de Baleto, archdeacon of Forli, and chaplain to the pope.<sup>c</sup> But Pius IV. by an Extravagant beginning, *Romanus Pontifex*, in the year 1563, ordained, that the cardinals inquisitors general over all christendom, might proceed against bishops, and all other prelates whatsoever, and admonish and cite them, and require their personal attendance within a certain term, and that under grievous penalties; that so, when

them full pardon of all their sins. We also will and grant, that all shall be partakers of the same remission, according to the nature of their assistance, and the affection of their devotion, who shall agreeably minister of their substance towards the relief of the said holy land, or shall give proper counsel or advice in the aforesaid matters. The holy and universal synod also doth unanimously bestow the assistance of their prayers and blessings upon all in common, who piously proceed in this work, that it may worthily profit them to salvation."

<sup>a</sup> In verb. Indulg. sect. Item. Inquisitores.

<sup>b</sup> Extrav. de hæret. c. 3. and cap. Inquisitores. de hæret. lib. 6

<sup>c</sup> Bzovius, A. 1326, sect. 9.

the process is formed, it may be reported to the most holy lord, and that the deserved and just punishment may be published against them.

As to such religious as were exempt, there was formerly a great variety about the power of proceeding against them.<sup>a</sup> For Alexander IV. by a certain rescript, beginning, *Ne commissa vobis*, Anno 1260, ordained, that the inquisitors should proceed, without distinction, against all manner of religious and exempt persons whatsoever. The same also was ordained by others. But Pius II. about the year 1460, granted to the vicar of the order of the friars minors, that he should make inquisition, and punish his own friars, suspected concerning the faith, or of heresy. A few years after, Sixtus ordained by a golden bull, beginning, *Sacri Prædicatorum*; which may be seen in the book of the privileges of the predicant order, fol. 163, that the "predicants shall not proceed against the friars minors, nor the minors against the predicants, in those places where they exercise the office of the Inquisition. A few years after this, Innocent VIII. forbad all the inquisitors to proceed in any manner, or make inquisition against the friars minors, as appears from the apostolic letters written about this affair, contained in a book entitled, "Fundamentum trium Ordinum beati Francisci."

But whereas these immunities were sometimes manifestly dangerous to the faith, the latter pope subjected all religious or otherwise exempted persons, in the cause of faith, as formerly, to the inquisitors of heretical pravity. Thus Clement VII. by a rescript, beginning, *Cum sicut*; and Pius IV. by another, beginning, *Pastoris ænibus*:<sup>b</sup> for which reason it was declared, by Charles V. emperor in Spain, that the soldiers of St. James, if they should happen to be heretics, are not exempted from the ordinary jurisdiction, nor from that of the inquisitors. The same rule also is entirely to be observed as to the soldiers of St. John, and as to all others whatsoever.

In some particular religions, the order is prescribed, which must be observed in denouncing heretical or suspected friars;

<sup>a</sup> Direct. par. 3. qu. 28. com. 77.

<sup>b</sup> Simanc. tit. 34. sect. 32.



whereby the prior of the convent must make the denunciation to the provincial, the provincial to the general, and the general to the office of the Inquisition. But that this circuitous way may be avoided, when this method cannot be so conveniently observed, the prior alone may make the denunciation, or other in his room upon his absence, that the cause of faith may not be delayed.

But although the inquisitors may thus proceed against all religious and exempt persons, yet there are some religious against whom private inquisitors are not easily allowed to proceed, because of the prerogative of their dignity. Such are the masters general of orders, of the predicants, minors, and the like ; and also the masters general of the military religions. When such are to be proceeded against, the proper way is, first to inform the inquisitors general, who, upon taking cognizance of the cause, must decree what is necessary to be done, unless the criminal attempts to escape, and there appears danger in delay.

Farther, the inquisitor hath power to proceed against priests.<sup>a</sup> “ Moreover, the priests and others of the clergy, who shall be found to hinder the office of the inquisition, either by instructing heretics and their believers, when cited, to conceal the truth, or speak falsehood, or by endeavouring unlawfully to deliver them, may in such cases, since it is certain they act in favour of heretical pravity, be restrained by the inquisitors, and chastised with deserved punishment, either by seizing their persons, or otherwise, as the fault of the criminal shall require.”

And finally, They may proceed against all laicks whatsoever, without distinction, infected, suspected, or defamed of heresy, of every condition, not excepting princes and kings. In the latter case they think it safer, when they proceed against princes and nobles that are heretics, or suspected of heresy, to consult the pope, according to whose will, and manner prescribed by him, they must proceed against them : not for that they think any deference is due to nobility, which is forfeited by heresy,

<sup>a</sup> Direct. Par. 3. Qu. 29. per cap. Accusatus. sect. Sacerdotes. Extra. de hæret. qu. 31.

but to prevent scandal. For if the inquisitors should publicly animadvert, on nobles, consuls, and magistrates, they might easily be hindered, especially in suspected places, and where the inquisitors are poor and weak.

Moreover, they may proceed against all persons whatsoever, of every condition; and whatsoever privileges they enjoy, if they any ways obstruct the office of the inquisition. Thus Alexander IV. commands in his bull, beginning, “*Cupientes.*” Let all contraveners be punished by the ecclesiastical censure, without any regard to their appeal. Any privileges or indulgences whatsoever, granted by the said see, or hereafter to be granted, specially or generally, under whatsoever expression or form of words, to any persons of whatsoever condition, dignity, or degree, religion or order, or to any communities or universities of cities or places, to the contrary notwithstanding. For by these or any other privileges or indulgences, we would not have an affair of so great piety obstructed.” The same pope, in his bull, beginning, “*Ne commissum vobis,*” commands, That if the clergy and religious do not assist the inquisitors according to their office and power, they may be proceeded against according to the canonical sanctions, any privileges to the contrary notwithstanding.

The inquisitors may also proceed against those, who have offended in their province,<sup>a</sup> and remove themselves to another; as also against those, who having offended any where else, are found in their province.

In like manner, when they want the testimony of other persons, they may cite witnesses from one diocese to another,<sup>b</sup> notwithstanding the constitution of the two day’s journey made in a general council.<sup>c</sup> But they say this must be done with pru-

<sup>a</sup> Cap. ut commissi de hæret. lib. 6.

<sup>b</sup> Direct. Par. 3. Com. 123. Simanc. tit. 64. sect. 13.

<sup>c</sup> The form of the citation is thus:—To all and singular Christians, as well ecclesiastics as laicks of both sexes, of whatsoever degree, order, condition, pre-eminence, dignity, or authority, the highest not excepted. Know ye, That we, by the series and tenour of these presents, and by our authority, and by that of the office we execute here, do charge and command, That within twelve days after the publication hereof (the first four of which are to be as the first, and the next four as the second, and the last four as a pe-

dence. For persons of distinction are not easily to be thus removed; and, therefore, they must be so dealt with, that it may seem they are rather entreated than compelled. And least they should refuse to submit to the power of the inquisitors, they say it is more decent and modest for the judges to wait on them, or at least to send others to them to receive their depositions. The same must be observed as to all other illustrious persons, nuns, and other honourable women. But then the inquisitor must determine what decency and modesty must be used towards each of these, and how the causes of faith may receive the greatest advantage, from the dignity, authority, honourableness, and other qualities of the witnesses. We have a famous instance how insolently the inquisitors sometimes abuse this power, in Joan,<sup>a</sup> daughter of the Emperor Charles V., whom they cited before their tribunal, to interrogate her concerning a certain person, in some matters relating to the faith. The emperor himself was so afraid of this power, that he commanded his daughter not to put off the affair, but make her deposition without delay, to avoid the sentence of excommunication, as well against others as against himself, if she believed him culpable in the smallest matter. Upon which the most serene Joan gave in immediately her deposition before Fernand Valdez, archbishop of Seville, at that time inquisitor general. But if the bishop or inquisitor sends for witnesses from any other diocese, he is not obliged to send the process to the bishop of such diocese; nor can such bishop justly demand it. On the contrary, he is obliged and bound to send the witnesses, after having read the letters of the bishop who requires it, and says he hath need of this or the other witness, to give his testimony in the cause of faith. The necessary witness must therefore be sent, and care taken, if it can be done, that he may not

remptory and third canonical admonition) all that do know or suspect any of heresy, do come and inform against them, upon pain of the greater excommunication *latæ Sententiæ*, which shall be *ipso facto* incurred, and from which they cannot be absolved by any, but by our lord the pope, or by us. And we do further certify, That whosoever, despising the penalty of this excommunication, shall forbear to inform us, shall moreover be proceeded against as a favourer of heretics.—Geddes' Tracts, vol. i. p. 427, 428.

<sup>a</sup> Lnd. Par. de Orig. S. Inquis. l. 3. q. 5. n. 23, &c. and n. 40.

know that he is called to bear witness against any one in the cause of faith, lest he should discover the affair, and so obstruct it; unless for other reasons it ought to be done upon full knowledge of the probity and fidelity of the witness.

In this age the Spanish inquisition endeavoured, under a specious pretence, to extend its jurisdiction over the subjects of other kings. According to the conventions and treaties between the kings of England and Spain, the English, who the Spaniards call heretics, were allowed, upon the account of commerce and trade, to dwell in the countries of the Catholics, upon this condition, That they should not be molested for any matters relating to religion and faith, unless they gave public offence; in which case they were to be punished in proportion to the scandal given, according to law.<sup>a</sup> Antonius de Sousa, counsellor of the tribunal of the supreme inquisition in Portugal, enquires when the inquisitors may proceed against them, and gives many limitations concerning such heretics, as they call them, whereby he subjects them entirely to the power of the inquisitors.

One may easily infer from the doctrine of Sousa, what the subjects of Great Britain, and other kingdoms and states must expect, since all things are to be done according to the pleasure of the inquisitors, and how little safety they will find by treaties against the violence of the inquisitors, unless they are protected by the authority of their king, against these their vile and unrighteous practices.

Of this we have a noble instance given us by Oliver Cromwell, Protector of England. Thomas Maynard, consul of the English nation at Lisbon, was thrown into the prison of the inquisition, under pretence that he had said or done something against the Roman religion. M. Meadows, who was then resident, and took care of the English affairs at Lisbon, advised Cromwell of the affair; and after having received an express from him, went to the king of Portugal, and, in the name of Cromwell, demanded the liberty of consul Maynard. The king told him, it was not in his power, that the consul was de-

<sup>a</sup> Aphor. Inq. l. 3. c. 31.



tained by the inquisition, over which he had no authority. The resident sent this answer to Cromwell, and having soon after received new instructions from him, had again audience of the king, and told him, That since his majesty had declared he had no power over the inquisition, he was commanded by Cromwell to declare war against the inquisition. This unexpected declaration so terrified the king and the inquisition, that they immediately determined to free the consul from prison; and instantly opened the prison doors, and gave him leave to go out. The consul refused to accept a private dismissal, but in order to repair the honour of his character, demanded to be honourably brought forth by the inquisition. The same Maynard continued many years after under the same character, in the reigns of Charles and James II., and lived at Lisbon till he was about eighty years old, without any molestation from the inquisition. This story was well known to all foreign merchants, who lived at that time, and many years after at Lisbon.



## CHAP. XV.

### *Of the Power of the INQUISITORS.*

THAT the inquisitor may discharge his duty without any hindrance,\* power is given him to compel the governors of cities to swear that they will defend the church against heretics. "We ordain moreover, that the earls, barons, governors and consuls of cities and other places, shall take their corporal oath at the admonition of the bishop, and swear that they will faithfully, effectually and sincerely assist the church, according to their office and utmost power, against heretics and their accomplices, when required by the bishops: and if they refuse to do this, let them be deprived of that honour which they possess, and never be raised to any other. Let them farther be excom-

\* Direct. Par. 3. Qu. 32. cap. Abolendam. sect. Statuimus, de hæret.

municated, and their countries put under the interdict of the church. If any city shall think fit to oppose these injunctions, or neglect to punish those who do, at the admonition of the bishop, let their commerce with other cities be cut off, and let them know that they are deprived of the episcopal dignity.<sup>a</sup> We ordain moreover, that the chief magistrate, head officer, ruler or consuls, or any others who preside over any city or other place, either now, or who shall preside over it hereafter, shall, at the command of the diocesan, or his vicars, or the inquisitors of heretical pravity, swear that they will precisely regard, and inviolably observe, and cause to be observed by their subjects, during the whole time of their government, in the countries subject to their jurisdiction or government, the constitutions promulgated and approved by the apostolic see, against heretics, their believers, receivers, favourers and defenders, and against their children and grand-children. And whosoever will not swear, and observe them, let him be deprived of the office and honour of his government, as infamous, and as a favourer of heretics, and suspected concerning the faith; and let him no longer be accounted as a chief magistrate, head officer, consul or ruler in any place, nor ever after be advanced to any dignity or public office. And whatever he doth as chief magistrate, bailiff, consul or ruler, let it be null and void.

To this there is another oath annexed,<sup>b</sup> viz. to extirpate with all their power, from their countries, those who are noted for heretics by the church, which the inquisitor may compel all temporal lords, having perpetual or temporal jurisdiction, to take. “ Let all secular powers, whatever be their offices, be admonished and persuaded, and, if necessary, compelled by the church, that as they desire to be accounted and held as faithful, they publicly take an oath for defence of the faith, that they will endeavour with all their might, in good faith, to root out of all countries subject to their jurisdiction, all persons declared heretics by the church. And at the time that any person is advanced to any perpetual or temporary dignity, let him be obliged to confirm this article by an oath.” Thus also

<sup>a</sup> Cap. ut Officium. sect. Statuimus, de hæret. lib. 6.

<sup>b</sup> Qu. 33. <sup>c</sup> Cap. Excommunicamus itaque, de hæret. sect. Moneantur.

the council of Biterre, cap. 32:<sup>a</sup> “ Let the earls, barons, rulers, consuls and bailiffs of cities, and other places, swear, that they will faithfully and effectually, when required by them, assist the church against heretics and their accomplices, according to their office, and the utmost of their power; and that they will in good faith endeavour, with all their might, to extirminate out of all countries subject to their jurisdiction, all persons declared heretics by the church.” Thus also the council of Thoulouse:<sup>b</sup> “ We forbid also the prelates, barons, gentlemen, and all persons of estates, to give the stewardship and management of their lands to heretics, and their believers. Neither let them presume to have or keep in their family or their counsel, such persons, nor any defamed for heresy, or who they believe to be suspected of it.” And finally, the counsel of Biterre commands,<sup>c</sup> “ that heretics shall not be entrusted with stewardships, or administrations, nor suffered to be in the counsels or families of the great.” Pegna remarks here, that in the 6th council of Toledo, held 686, there is a passage concerning the kings of Spain,<sup>d</sup> “ That when they come to the kingdom, they shall not ascend the royal throne, till amongst other stipulations by oath, they have promised that they will not suffer any persons who are not Catholics to remain in their kingdoms.” “ This,” says he, “ I wish was every where recalled into use, and inviolably maintained.”

The inquisitors may also compel the temporal lords to revoke all statutes that hinder the office of the Inquisition. The secular magistrates are also bound to seize, and keep in custody, heretics, whenever commanded by the inquisitors, and to carry them wherever they choose to direct. The magistrates must also receive the inquisitors kindly, and treat them courteously, as in the decree of the emperor Frederick:—“ It is our pleasure, that they receive no offence from any, but all assistance, and that they have the recommendation of all the faithful throughout the empire.

The inquisitors may also require an oath from the magistrates, that they will observe and execute the laws and statutes, both ec-

<sup>a</sup> Par. 3. com. 4.<sup>b</sup> Cap. 16.<sup>c</sup> Cap. 28.<sup>d</sup> Cap. 3.

clesiastical and secular, against heretics. And as many difficulties may arise, in the punishment of heretics, and the protection of the faith, Innocent IV. and Alexander IV. conferred on them this enormous power, that they might interpret the laws in any thing ambiguous, according to their own judgment. Which power the Seville instructions also grant.<sup>a</sup>

It is also granted to the inquisitors, to have an armed attendance, and to go armed themselves; so that their officials, who in Italy are called cross-bearers, and in Spain familiars, are to wait on the inquisitor whenever he commands, by night or day, to execute whatever orders he may please to give, and if these cross-bearers or familiars stand in need, they may call in the aid of the civil power, to assist in executing the commands of the inquisitor, for the apprehending or punishing of heretics.

The inquisitors may also punish those who presume to injure them in word or deed, because their office ought to be esteemed more holy and venerable than that of all other judges whatsoever.

The inquisitors have also the power of summoning any person, of whatever rank, before them, to give evidence, which, if they refuse to do, they may compel them, by fine or torture; an instance of which is related by Carena,<sup>b</sup> wherein a person, refusing to give evidence, was put to the torture at Rome.

Excommunication is another branch of power with which the inquisitors are invested; and their excommunication is the more to be dreaded, because all who are excommunicated by them, are put under the ban or public curse, by proclamation, and have all their property in consequence, seized and confiscated; and should they continue under that sentence for a year, are to be proceeded against as heretics.<sup>c</sup>

They have also the power of increasing or lessening the penances they enjoin. “We also grant you power, when you shall think it proper to mitigate or change, in concert with the prelates, to whose jurisdiction they are subject, the punishment

<sup>a</sup> Inst. 1. cap. 28.

<sup>b</sup> Carena, part 3: tit. 7. sect. 1. n. 7.

<sup>c</sup> Calden. de Modo proced. cont. heret. f. 411.



of those who are shut up in prison or jail, if they humbly obey your commands.<sup>a</sup> Hence we find, that in the book of the sentences of the Tholouse Inquisition, the inquisitors ordinarily reserve this power unto themselves; when they shew grace to condemned persons, and release them from wearing their crosses, and enjoin other penances in their room, such as pilgrimages, visiting of churches, &c.

But now this power is not granted to the inquisitors in Spain.<sup>b</sup> For this kind of dispensation belongs at this day there, only to the inquisitor general, because the inquisitors and ordinaries have already discharged their office.<sup>c</sup>



## CHAP. XVI.

### *Of the POWER of the INQUISITORS in prohibiting Books.*

THAT this may be more distinctly explained, and that it may be known what and how great the power is which is committed to the inquisitors, concerning the prohibition of books, I shall give you an account of this affair from the very rise and origin of it.

The first of whom we read, who prohibited books of religion, was Antiochus Epiphanes, whose servants are said to “have rent in pieces the books of the law, which they found, and to have burnt them with fire; and to have put to death every one with whom was found the book of the testament, or who consented to the law.”<sup>d</sup> Dioclesian was the next, that most cruel persecutor of the Christian faith; of whom Eusebius<sup>e</sup> relates, that by an edict, he commanded the sacred books to be burnt with fire. Yea, he adds in the same chapter; “We saw with our eyes the sacred books of the divine scriptures burnt in the public forum.”<sup>f</sup> Farther, the presidents in every province,

<sup>a</sup> Cap Ut commissi. de hæret. lib. 6.

<sup>b</sup> Royas, Assert. 48. part. 2.

<sup>c</sup> Instruct. Hispal. cap. 7. and Tolet, cap. 9. Hist. Concil. Trid. l. 6. p. 550.

<sup>d</sup> 1 Maccab. i. 56, 57.

<sup>e</sup> l. 8. cap. 2.

<sup>f</sup> Baron, A. 302. n. 22.

city, town, and village, took care that the Christians should deliver up their sacred books, and they compelled them to it by most grievous torments. Hence all those were called *Traditores*, deliverers up of the scripture, who, terrified by such cruel punishments, delivered up the books which they had.

The Christians themselves afterwards brought into the church this custom of raging against the books of heretics, as they call them, as well as against their persons, which was first derived from the heathens, when the empire fell into the hands of Christian emperors.<sup>a</sup> Constantine, after the conclusion of the synod of Nice, commanded the books of Arius, condemned by it, to be burnt under the penalty of death. Theodosius and Valentinian decreed the same concerning Nestorius, his followers and books.<sup>b</sup> Valentinian and Martin concerning Eutyches and his books.<sup>c</sup> Justinian ordained the cutting off the hand of those who wrote out the books of Antimus,<sup>d</sup> condemned in the fifth synod. And it is worth observation what Brunus says concerning heretics and schismatics; “That it appears to have been a most ancient custom of the church, that when heresies were condemned, their writings should be destroyed, from hence; that of all the heresies, which for a long time continued in the church, the books containing them are now no where extant, and the opinions of most of them would have been altogether unknown, unless the remembrance of them had been preserved in the writings of the holy fathers, who endeavoured to confute them.”

All these laws against the books of heretics were made by emperors, who had the legislative power in their empire.<sup>e</sup> “But after the year 800, the popes of Rome usurped to themselves many branches of the civil government, forbidding the reading of books, and commanding them to be burnt, after they had condemned the authors of them; but till this age, there are but very few books found, that are prohibited after this manner: at least, the universal prohibition of reading books, containing heretical doctrine, or suspected of heresy,

<sup>a</sup> Socrates, *Ecc. Hist.* l. 1. c. 6.

<sup>b</sup> *L. damnato. c. de hæret.*

<sup>c</sup> *L. quicum. sect. Nulli and Omnes. c. de hæret.*

<sup>d</sup> *L. 6. c. 6. sect. 2.*

<sup>e</sup> *Hist. Con. Trid. l. 6. p. 551.*

under the penalty of excommunication, without any other preceding sentence, had not yet grown into practice." But after that the pope had arrogated to himself the judgment of the faith, and ordered himself to be acknowledged the infallible judge of all controversies of the faith, he also assumed to himself all judgment concerning books, and the power of prohibiting them. From this claim of power have sprung those expurgatory indexes, by which, not only the books of such authors as are condemned by the church of Rome are prohibited, but the writings of all, even of the greatest Romanists themselves, are subjected to a censure; and whatsoever is found in them contrary to the opinions of the Roman church, or not altogether agreeable to them, is marked with a †, and commanded to be blotted out; and every place is so carefully noted, that no one can be ignorant, what words are to be erased. So that if the popes command,<sup>a</sup> as contained in that index, is to be observed; we shall read no books as written by the authors, nor have their sense, but only that of the court of Rome.<sup>b</sup> "Pope Martin V. by his bull excommunicated all sects of heretics, but especially the Wickliffs and Hussites; but without any mention of those who read their books, although they were in the hands of a great many. But Leo X. having condemned Luther, forbid also all his books to be read under pain of excommunication. The popes after him, by the bull *In Cœna*, condemned and excommunicated all heretics, and therein devoted also to the same curses, all those who read their books. And in other bulls, against heretics in general, did thunder out the same terrible sentences against the readers of those books. This occasioned a very great confusion: for as the names of the heretics who were condemned were not published, persons were to judge of the books, rather from the nature of the doctrines than the names of the authors. And as different persons judged differently concerning these, the

<sup>a</sup> To this tribunal we must attribute that ignorance of sound philosophy, in which Spain lies buried, while Germany, England, France, and even Italy, have discovered such a multitude of truths, and enlarged the sphere of knowledge.—*Voltaire's Univ. Hist.* vol. iii. p. 117.

<sup>b</sup> *Hist. Con. Trid.* l. 6. p. 551.

consciences of men were troubled with innumerable scruples. Those inquisitors of heretical pravity who were more diligent, made catalogues of such authors as they knew; but as they had not compared them with each other, the same difficulty still remained."

But that no one might be at a loss for the future, what books the pope had prohibited the reading of, by his bull, it was necessary to make an index of the prohibited books. The Roman authors differ amongst themselves who ordered the first index to be made. Father Paul tells us, that Philip, king of Spain,<sup>a</sup> first endeavoured to prevent this confusion, by giving a more convenient form, and by a law, made 1558, ordered, That the catalogue of books, prohibited by the inquisitors of Spain, should be printed. After his example, Paul IV. commanded at Rome, That those who were at the head of the office of the inquisition, should make such an index, and print it, which was shortly after done, A. D. 1559.<sup>b</sup> But Gretser says, that the index of prohibited books was printed in Italy, by the Papal authority, A. D. 1548. And a larger one, A. D. 1552. Another larger one yet, A. D. 1554. Another, A. D. 1559, by pope Paul V. much larger than the others. But whether the pope, or Philip king of Spain, first ordered such an index to be made, it is certain that Paul IV. published one, A. D. 1559.<sup>c</sup>

The zeal which was manifested in the formation of these indexes was of the most extraordinary kind, for they prohibited those books which were not written professedly on the subject of religion, but which happening to contain any remarks of a political kind were disliked by them.

They even went so far as to make a catalogue of sixty-two printers, and to prohibit all the books which they ever had printed, excommunicating those who read them, who were rendered incapable of any office or benefice, and consigned to perpetual infamy. This severe censure was however revoked by Pius IV., who referred the discussion of the subject to the council of Trent.

<sup>a</sup> Hist. Con. Trid. l. 6. p. 551.

<sup>b</sup> De jure prohib. lib. l. 1. c. 19.

<sup>c</sup> Hist. Con. Trid. p. 552.



At length the fathers at this council, not being able to agree, referred it back to the Pope, as Clement VIII. reports in his bull, Oct. 17, 1595.

And the Pope by the advice of certain prelates, of great learning and wisdom, published the index and certain rules to be observed in form of a brief;—there is also a strict charge to prevent transgression, and severe penalties against all persons of every order and degree, who “shall dare to have any books contrary to the order of these rules.”

Some alterations were afterwards made in these rules, in favour of learned men, who could not avoid the having of some books which were forbidden.

By the fourth rule, the common reading of the holy scriptures is forbidden, in these words: “since it is plain by experience, that if the sacred writings are permitted every where and without difference, to be read in the vulgar tongue, men through their harshness, will receive more harm than good.—Let the bishop or inquisitor determine, with the parish priest or confessor, to whom to permit the reading of the bible, translated by Catholic authors in the vulgar tongue.

In the tenth rule, there are several things to be observed, about the printing of books, by which no books are allowed to be printed, unless they are first examined by the Pope’s vicar, or other persons deputed by the Pope. The shops of booksellers are often to be searched, and printers and booksellers are to take an oath before the bishop or inquisitor, “that they will obey these rules in a Catholic and sincere manner, and will not knowingly sanction heretical pravity.

Several expurgatory indexes have since been published, as that under the authority of Philip II. of Spain, by Plantin the king’s printer. Printed at the king’s own charge, not with a design to be published and dispersed, but to be given only to them, who were appointed to preside over the expurgation of suspected books; by this means, this book lay concealed like certain mysteries, for fifteen years, until a copy fell into the hands of Francis Irenius, who made it public, as related by Pappers, in his preface to the new edition, published at Stratsburg, A. D. 1599.

After this many expurgatory indexes came out at Rome and Naples, and a much larger one was after this printed in Spain, A. D. 1640, enlarging and enforcing former rules, and with a more particular stress, prohibiting the sacred scriptures, “with all parts of them, either printed or manuscript, with all summaries and abridgements, although historical of the said bible in the vulgar tongue.” I give this word for word, that the tyranny of the Papists may fully appear.

From these things therefore, it is plain that the inquisitors, especially in Spain, have a very great power in the prohibition of books, for Pegna relates, that the bishops and inquisitors may condemn and prohibit, all books which contain opinions condemned by the church, although written by authors not condemned; as well as all books which they may suspect of heresy. For says he, books are much more likely to do harm than men, because heretics by teaching, can scarce spread their doctrine over a single city, whereas books may be carried from place to place, and infect not only a city, but kingdoms and provinces.

In Venice however, the power of prohibiting books was claimed by the civil magistrates, and this formed a ground of contention between the senate and the cardinal nuncio, four whole months, but at length the senate prevailed, and an agreement was entered into, which secured this power to the senate, though the Catholics earnestly requested that this their concession, should be kept secret.



## CHAP. XVII.

*What the INQUISITORS can do themselves, and what in conjunction with the ORDINARIES.*

BECAUSE the judgment of heresy is, as we have seen, committed to the ordinaries or bishops, and to the delegates or inquisitors, it is proper to consider what each can separately do,

and what are those acts in which both must necessarily concur, in order to their being effectual and valid.

The inquisitor without the bishop, and the bishop without the inquisitor,<sup>a</sup> may cite and arrest, or apprehend and deliver any one to safe custody, and put them in irons, if they think proper, and make Inquisition against such as are accused. But neither without the other can deliver any person to hard or close imprisonment, which hath more of the nature of punishment than of custody, or put them to the torture, or force them in irons by hunger to discover the truth, which is one sort of very grievous torment, or proceed to sentence against them. But the inquisitor without the bishop, cannot deprive of their benefices and ecclesiastical dignities heretical clergymen.

The bishop and inquisitor may constitute each other their vicegerents in those cases, in which neither can act separately, or they may proceed by a delegated authority, and then they are equal.

When the bishop and inquisitor differ, they cannot proceed to a definitive sentence, but must refer the whole case drawn up to the Pope, or the supreme council. In Spain, this must be done, even when they differ in cases of no great importance, as prescribed by the Madrid instruction. A. D. 1561.<sup>b</sup>

When the bishop and inquisitor proceed separately, so that there are two processes carried on for the same fact, one by the bishop and the other by the inquisitor, they ought to communicate their processes to one another; this communication however, is to be made only once, and that when the process is finished.

But in Spain and Portugal the inquisitors only form the processes,<sup>c</sup> and apprehend criminals in causes of the faith, and if the bishops have any informations against such criminals, they must transmit them to the inquisitors. But it is uncertain whether these Spanish inquisitors claim this by any legal custom and prescription, or by the Pope's privilege.

These are the things to be observed, when the ordinary and

<sup>a</sup> Eymér. p. 3. q. 47.

<sup>b</sup> Cap. 66.

<sup>c</sup> Caten. p. 1. tit. 4. sect. 21.

inquisitor concur in the judgment of the faith. But because oftentimes in Spain several inquisitors are deputed together, it will be proper to consider how far each of them may separately proceed.

As often therefore as it happens that two inquisitors are constituted in the same province,<sup>a</sup> they may both together, or each of them separately, proceed against heretics throughout the whole province committed to them, sit in judgment in any part of it, and when the executor is absent create another, because they have entire jurisdiction. However, a criminal can be punished only by one of them. But if there be any special inquisitor deputed against any person by the Pope, the inquisitors of provinces and dioceses, who, as general judges, seem to have universal jurisdiction, at least with respect to persons, cannot proceed against him, though they have actually began the process; because their jurisdiction is suspended by a special commission granted by the Pope. He who is thus constituted special inquisitor, may make use of every thing that hath been done and discovered by the other inquisitors, whom if it be necessary he may compel to deliver to him all the processes, writings, inquisitions, depositions of witnesses, and all other things they have discovered against any criminal. Although it is reckoned more handsome to do this by the authority of their superior, when this power is not specially given him in the letters of his commission.

When the same heretics are proceeded against by different judges, that inquisitor who first began the process has the preference.

The elder inquisitor has the preference in all cases, except he has been at any time suspended from his office.

Finally,<sup>b</sup> it is said to be much safer for the bishops to send to the inquisitors all causes of heresy, because secrecy is the strength of all the causes of the holy office. This is inviolably observed before the inquisitors, but cannot be so well kept before the bishops. This the inquisitor Cantera attests, whilst he was vicar general of Pampilona, viz. that he could never procure

<sup>a</sup> Qu. 46. Com. 95.

<sup>b</sup> Carena, p. 1. t. 4. n. 23, &c.



secrecy to be kept in that ecclesiastical court ; and though he oftentimes punished the Notaries, it signified nothing at all. Carena also relates, that Cardinal Comporeus, bishop of Cremona, and one of the supreme inquisitors, in all causes in which lay persons had a right to decide and give judgment, did for fourteen years always remit all causes of heresy, and suspicion of heresy, immediately to the Inquisition ; because he well knew, how great inconveniences would arise, if the ordinaries, who have neither secret nor safe jail and ministers, should interest themselves in forming processes.



## CHAP. XVIII.

### *Of the JAIL of the INQUISITORS, and KEEPERS of the JAIL.*

JAILS were formerly appointed to keep men in custody, and not to punish them.<sup>a</sup> But by the Canon law they may be used for punishment.<sup>b</sup>

Heretofore the bishop and inquisitor might have their separate jails, to hold persons in custody, but not to punish them ; for as they cannot condemn any one to imprisonment without the consent of both, it is therefore required that the jail for punishment shall be common to both. But now they have not usually separate prisons ; the same that belongs to the inquisi-

<sup>a</sup> Direct. p. 3. qn. 58. com. 107.

<sup>b</sup> Cap. Quamvis. de pœnis. lib. 6. Although it be well known that the jail is particularly designed to keep criminals in custody, and not to punish them, yet we do not disapprove that convict persons should be delivered over to prison to do penance either for ever, or for a time, as you shall judge most convenient, their crimes, persons, and other circumstances, being carefully considered. Simancas gives this reason for it ; \* for since the sacred canons, through the ecclesiastical lenity, cannot inflict the punishment of death, the consequence is, that lest crimes should go unpunished, they may inflict the penalty of perpetual imprisonment for more grievous offences, which is indeed very grievous, and equal to death.

\* Cathol. Instit. tit. 16. sect. 15.

tor, in which criminals are kept in custody, being common to the bishop.

Here are two things to be explained. First, what must be done before any person can be thrown into jail. Secondly, what method must be observed in keeping and placing the prisoners.

As to the first, Royas gives this large account of it.<sup>a</sup> In all causes, as well civil as criminal, criminals must not be apprehended, without a summary Inquisition against them concerning their crime first had. This is particularly to be observed in the crime of heresy. For though in other crimes no one suffers much in his reputation merely for his being thrown into prison, yet to be taken up for the crime of heresy is greatly infamous, which must therefore be proceeded in with great caution. For since the reason of proceeding in the crime of heresy, is much more important than in other offences, there is need of a greater Inquisition, and of a summary cognizance before criminals are apprehended. So that no one is lightly to be shut up in close prison for small offences, for propositions that sound ill, or that are scandalous, or blasphemous, or others which do not contain real heresy; but is to be confined either in some monastery, or in his own house or city.

The inquisitors may indeed proceed in the crime of heresy against any person, especially if he be otherwise vile, upon a light and moderate suspicion, so far as to ask such suspected person, what he thinks of the faith. But in order to apprehend any one for heresy, two credible witnesses are required, although they say that the testimony of a single one, if beyond all exception, is sufficient, who deposes what he saw or heard; yea, if he be not beyond all exception, yet is otherwise fit, provided he agrees with the informer; for in this case they say there are two witnesses, and consequently more than half proof, which is sufficient for any ones being apprehended. But that one witness above all exception, is enough in this case, they prove from the Madrid Instruction, A. D. 1561,<sup>b</sup> which says, "If the testimony be not sufficient for the apprehending."

<sup>a</sup> Part 2, Assert. 1.

<sup>b</sup> Cap. 4.

This Instruction is in the singular number, and therefore intimates, that one lawful witness against any one is sufficient for his being taken up; especially if the person be scandalous, and vile, and suspected; as are all the new converts of the Mahometan sect in the kingdom of Valencia; and as Royas says, the French and German Lutherns. But if the person accused be noble, and of good reputation and fame, he is not to be apprehended upon a single testimony. However, this is left to the pleasure of the judge, after having considered the quality of the person and his offence; not that the inquisitors of the faith should appear eager to take up criminals; for they are always to use great circumspection. This is especially necessary in the receiving and examining witnesses. They must in the first place admonish them, how horrible and dreadful a wickedness it is to give false witness in any causes, and especially in the holy office of the Inquisition, and that they should have God and his awful and tremendous judgment before their eyes, that they may not, for prayer, or prince, or entreaty, or any other wicked affection, defame an innocent person with so great a crime. Then the witnesses are to be interrogated concerning the place, and time, what they saw or heard; whether the person acted, or pronounced heretical words, once or oftener; with what obstinacy or eagerness he affirmed them; and what other persons were present; and for what causes, reasons, and occasions they were present; and concerning all other circumstances necessary to discover the truth or falsehood.

These things premised, the witnesses received, and the propositions qualified, the promotor fiscal demands before the inquisitors, that the criminals be apprehended and imprisoned, that they may suffer the deserved punishment.

When the offence thus appears,<sup>a</sup> and it is proper to apprehend the criminal, the inquisitor may then order him to be taken up. When they have determined upon his being apprehended, they give out the order to that officer, who according to the custom of the holy office, is to take up criminals;

<sup>a</sup> Pegna, Com. 107.

and his order is subscribed by the inquisitors. If several persons are to be taken up the same day and time, they give an order for each person, which is inserted in their respective processes, that such acts, which are of great weight, may appear openly.

As to the second. All criminals have not alike places of imprisonment, their cells being either more terrible and dark, or more easy and chearful, according to the quality of the persons and their offences. In reality there is no place in the prison of the Inquisition, that can be called pleasant or chearful, the whole jail is so horrible and filthy.

These jails are called in Spain and Portugal, *Santa Casa*, i. e. the holy house. Every thing it seems in this office must be holy. The prisons are so built, as the author of the History of the Inquisition at Goa describes them, that they will hold a great number of persons. They consist of several porticoes, every one of which is divided into several small cells of a square form, each side being about ten foot. There are two rows of them, one being built over the other, and all of them vaulted. The upper ones are enlightened by iron grates, placed above the height of a tall man. The lower ones are under ground, dark, without any window, and narrower than the upper ones. The walls are five feet thick. Each cell is fastened with two doors, the inner one thick, and covered over with iron, and in the lower part of it there is an iron grate. In the upper part of it is a little window, through which they reach to the prisoner his meat, linen, and other necessities, which is shut with two iron bolts. The outer door is entire without any opening at all. They generally open it in the morning, from six o'clock till eleven, in order to refresh the air of the prison.

In Portugal all the prisoners, men and women, without any regard to birth or dignity, are shaved the first or second day of their imprisonment. Every prisoner hath two pots of water every day, one to wash, and the other to drink, and a besom to cleanse his cell, and a mat made of rushes to lie upon, and a larger vessel for other uses, with a cover to put over it, which is changed once every four days. The provisions which are given to the prisoners, are rated according to the season, and



the dearness or plenty of eatables. But if any rich person is imprisoned, and will live and eat beyond the ordinary rate of provisions, and according to his own manner, he may be indulged, and have what is decent, and fit for him, his servant, or servants, if he hath any, with him in the jail. If there are any provisions left, the jail-keeper, and no other, must take them, and give them to the poor. But Reginald Gonsalvius observes,<sup>a</sup> that this indulgence is not allowed to prisoners of all sorts, but to such only as are taken up for small offences, who are to be condemned to a fine. But if they find by the very accusation that any persons are to be punished with forfeiture of all their effects, they do not suffer them to live so plentifully, but order them a small pension for their subsistence, viz. about thirty Maravedis, of the value of ten Dutch Stivers. This agrees with the account of Isaac Orobio, who had a plentiful fortune at Seville, and was nevertheless used very hardly in the prison of the Inquisition there. Although his estate was very large, yet he was allowed a very small pension to provide himself provision. This was flesh, which they made him sometimes dress and prepare for himself, without allowing him the help of any servant. In this manner are the richer prisoners treated. As to the poorer, and such who have not enough to supply themselves in jail, their allowance is fixed by the king, viz. the half of a silver piece of money, called a real,<sup>b</sup> every day; and out of this small sum, the buyer of their provision, whom they call the dispenser, and their washer, must be paid, and all other expences that are necessary for the common supports of life. Besides, this very royal allowance for the prisoners doth not come to them but through the hands of several persons, and those none of the most honest; first, by the receiver, then the dispenser, then the cook, then the jail-keeper, who, according to his office, distributes the provision amongst the prisoners. Gonsalvius adds, that he gave this particular account of this matter, because all these persons live, and have

<sup>a</sup> p. 106.

<sup>b</sup> Dr. Geddes tells us of one in the Inquisition at Lisbon, who was allowed no more than three vintems a day; a vintem is about an English penny farthing.

their certain profits, out of this small allowance of the king to the prisoners, which coming to them through the crooked hands of these harpies, they cannot receive it till every one of them hath taken out of it more than a tenth part of it.

The author of the history of the Inquisition at Goa tells us, this order is observed in distributing the provisions. The prisoners have meat given them three times every day; and even those who have the misfortune to be in this case, and they have money, are not treated much better than others, because their riches are employed to make provision for the poorer. I was informed by Isaac Orobio, that in Spain they sometimes give the prisoners coals, which they must light, and then dress their own food. Sometimes they allow them a candle. Those who are confined in the lower cells generally sit in darkness, and are sometimes kept there for several years, without any one's being suffered to go or speak to them, except their keepers, and they only at certain hours, when they give them their provision. They are not allowed any books of devotion, but are shut up in darkness and solitude, that they may be broke with the horrors of so dreadful a confinement, and by the miseries of it forced to confess things, which oftentimes they have never done.

And how dreadful the miseries of this prison are, we have a famous instance given us by Reginald Gonsalvius Montanus.<sup>a</sup> In the age before the last, a certain English ship put in at the port of Cadiz, which the familiars of the Inquisition, according to custom, searched upon the account of religion, before they suffered any person to come a-shore. They seized on several English persons who were on board, observing in them certain marks of evangelical piety, and of their having received the best instruction, and threw them into jail. In that ship there was a child, ten or twelve years old at most, the son of a very rich English gentleman, to whom, as was reported, the ship, and principal part of her loading belonged. Amongst others, they took up also this child. The pretence was, that he had in his hands the psalms of David, in English. But as Gonsal-

<sup>a</sup> p. 119.

vius tells us, those who knew their avarice and cursed arts, may well believe, without doing any injury to the holy Inquisition, that they had got the scent of his father's wealth, and that this was the true cause of the child's imprisonment, and of all that calamity that followed after it. However, the ship with all its cargo was confiscated, and the child, with the other prisoners, were carried to the jail of the Inquisition at Seville, where he lay six or eight months. Being kept in so strait confinement for so long a while, the child, who had been brought up tenderly at home, fell into a very dangerous illness, through the dampness of the prison, and the badness of his diet. When the lords inquisitors were informed of this, they ordered him to be taken out of the jail, and carried, for the recovery of his health, to the hospital, which they call the Cardinal. Here they generally bring all who happen to fall ill in the prison of the Inquisition, where, besides the medicines, of which, according to the pious institution of the hospital, there is plenty, and a little better care, upon account of the distemper, nothing is abated of the severity of the former jail; no person, besides the physician and the servants of the hospital, being allowed to visit the sick person; and as soon as ever he begins to grow better, before he is fully recovered, he is put again into his former jail. The child, who had contracted a very grievous illness from that long and barbarous confinement, was carried into the hospital, where he lost the use of both his legs; nor was it ever known what became of him afterwards. In the mean while it was wonderful, that the child, at so tender an age, gave noble proofs how firmly the doctrine of piety was rooted in his mind; oftentimes, but especially morning and evening, lifting up his eyes to heaven, and praying to him, for he had been instructed by his parents, to desire and hope for certain help; which the jail-keeper having often observed, said, he was already grown a great little heretic.

About the same time,<sup>a</sup> a certain person was taken up and thrown into the same jail, who had voluntarily abjured the Mahometan impiety, and came but a little before from Mo-

<sup>a</sup> Reginald. p. 121.

rocco, a famous city of Mauritania, and capital of the kingdom, into that part of Spain which lies directly over against it, with a design to turn Christian. When he had observed that the Christians were more vicious and corrupt than the Moors he had left, he happened to say, that the Mahometan law seemed to him better than the Christian. For this the good fathers of the faith laid hold of him, thrust him into jail, and used him so cruelly, that he said publicly, even when in confinement, that he never repented of his christianity, from the day he was baptized, till after his having been in the Inquisition, where he was forced against his will, to behold all manner of violence and injuries whatsoever.

The complaint of Constantine, the preacher of Seville,<sup>a</sup> was not less grievous, concerning the barbarities of this prison ; who, although he had not as yet tasted of the tortures, yet often bewailed his misery in this jail, and cried out, “ O my God, were there no Scythians in the world, no cannibals more fierce and cruel than Scythians, into whose hands thou couldst carry me, so that I might but escape the paws of these wretches ? ” Olmedus also, another person famous for piety and learning, fell into the inquisitor’s hands at Seville, and through the inhumanity of his treatment, which had also proved fatal to Constantine, contracted a grievous illness, and at last died in the midst of the filthiness and stench. He was used to say, “ Throw me any where, O my God, so that I may but escape the hands of these wretches ! ”

The author of the history of the Inquisition at Goa,<sup>b</sup> agrees in this account, who frankly owns, that through the cruelty and length of his imprisonment, he fell into despair, and thereby often attempted to destroy himself ; first by starving himself, and because that did not succeed, he feigned himself sick, and when the physician of the Inquisition found his pulse unequal, and that he was feverish, he ordered him to be let blood, which was done again five days after. When the doctor was gone, he unbound his arm every day, that so by the large effusion of blood, he might continually grow weaker and weaker.

<sup>a</sup> Reginald. p. 104.

<sup>b</sup> Cap. 19, 20, 21.



In the mean while he eat very little, that by hunger and loss of blood, he might put an end to his miserable life. Whilst he was in this sad condition, he had sent him a confessor of the Franciscan order, who, by various arguments of comfort, endeavoured to recover him from his despair. They also gave him a companion in his jail, which was some comfort to him in his confinement. But growing well again, after about five months, they took his companion from him. The lonesomeness of his jail brought on again his melancholy and despair, which made him invent another method to destroy himself.—He had a piece of gold money, which he had concealed in his cloaths, which he broke into two parts; and making it sharp, he opened with it a vein in each arm, and lost so much blood, that he fell into a swoon, the blood running about the jail. But some of the servants happening to come, before the usual time, to bring him something, found him in this condition.—The inquisitor hereupon ordered him to be loaded with irons upon his arms and hands, and strictly watched. This cruelty provoked him to that degree, that he endeavoured to beat his brains out against the pavement and the walls; and undoubtedly the ligaments upon his arms would have been torn off, had he continued any longer in that state. Upon this they took off his chains, gave him good words, encouraged him, and sent him a companion, by whose conversation he was refreshed, and bore his misery with a little more easiness of mind. But after two months they took him from him again, so that the solitude of his jail was more distressing to him than before.

The prisoners, as soon as ever they are thrown into jail,<sup>a</sup> are commanded to give an account of their name and business. Then they enquire after their wealth,<sup>b</sup> and to induce them to

<sup>a</sup> Inquis. Goan. cap. 13.

<sup>b</sup> “The inquisitors, notwithstanding their ardent zeal for the faith, seldom give themselves much concern about those from whom nothing is to be got; whereas those possessed of property, conscious of no misdemeanour, whereof the holy office takes cognizance, languish many years in confinement, and at length are put to the torture, in order to extort a confession. Some persons have had such resolution, that nothing could ever induce them to plead guilty. Others have retracted their forced confessions, the instant they were taken off the rack. For many, terrified at the very sight of the instruments

give in an exact account, the inquisition promises them, that if they are innocent, all that they discover to them shall be faithfully kept for, and restored to them; but that if they conceal any thing, it shall be confiscated, though they should not be found guilty. And as in Spain and Portugal, most persons are fully persuaded of the sanctity and sincerity of this tribunal, they willingly discover all their possessions, even the most concealed things of their houses, being certainly persuaded, that when their innocence shall appear, they shall soon recover their liberty and effects together. But these miserable creatures are deceived; for he that once falls into the hands of these judges, is stripped at once of all he was possessed of. For if any one denies his crime, and is convicted by a sufficient number of witnesses, he is condemned as a negative convict, and all his effects confiscated. If to escape the jail, he confesses his crime, he is guilty by his own confession, and in the judgment of all justly stripped of his effects. When he is dismissed from prison as a convert and penitent, he dares not defend his innocence, unless he desires to be thrown again into jail, and condemned, and, as a feigned penitent, to be delivered over to the secular arm.

Of these things J. Royas gives us an account:<sup>a</sup> “When any criminal is apprehended, and put into the jails of the holy office, his effects must be immediately sequestered, that they may not be conveyed away, or concealed, and put into the hands of some proper person, before the notary and executor, who is to have the custody and care of them. Such effects as cannot be kept, he who hath them in custody, must sell by the inquisitor’s command. This sequestration is made only for real heresy. From hence they infer, that this sequestration or description of effects, is not to be made, when the inquisitors proceed against blasphemers, or fortune-tellers,

of torture, have accused themselves of crimes which never entered into their thoughts. Every one of these unfortunate creatures, if they escape with their lives, are sure to be stript of all their substance; and, to add to their afflictions, exposed to lasting infamy, more bitter to a generous mind, than death itself.”

Letters on the Inq. &c. 43.

<sup>a</sup> 2 part, assert. 2.

or those who marry again whilst their former wives are living, or against clergymen in orders, or professed monks who have contracted matrimony, or against persons who speak propositions rash, scandalous, injurious, or that sound ill; and in all other causes, in which there is not, *de jure*, any confiscation of effects, that which precedes it, viz. the sequestration of such effects, by consequence ceases."

When the prisoner is brought before his judge, he appears with his head and arms and feet naked.<sup>a</sup> In this condition he is brought out of jail by the warder. When he comes to the room of audience, the warder goes a little forward, and makes a profound reverence, then withdraws, and the prisoner enters by himself. At the farther end of the audience room there is placed a crucifix, that reaches almost to the ceiling. In the middle of the hall is a table about five feet long and four broad, with seats all placed round it. At one end of the table, that which is next to the crucifix, sits the notary of the inquisition, at the other end the inquisitor, and at his left hand the prisoner sitting upon a bench. Upon the table is a missale, upon which the prisoner is commanded to lay his hand, and to swear that he will speak the truth, and keep every thing secret. After they have sufficiently interrogated him, the inquisitors ring a bell for the warder, who is commanded to carry back his prisoner to jail.<sup>b</sup>

<sup>a</sup> Inquis. Goan. cap. 18.

<sup>b</sup> The form and furniture of the inquisitorial judgment hall is expressly ordained by law. "There shall be at every inquisition, a room allotted for the board of dispatch which shall be in so safe a place, that nothing may be heard of what passes there from without; in this room there shall be chairs with backs to them, or without backs, as many as may appear necessary, a bench for the prisoner to sit upon, and in winter the apartment shall be decorated with tapestry of arras-hangings, and in summer with gilt leather-hangings; upon a platform three inches high shall be a table covered with a cloth of crimson damask, and upon it a black leather, and the platform shall be large enough to accommodate at least five chairs on each side, and in this table there shall be three drawers with different keys to them, in which each of the inquisitors may keep his papers, but shall not keep in it the quires (memorandum books) for these must always be locked up in the secret. Upon this table shall be a mass-book, for administering the oaths, a tablet, with the prayer of the Holy Ghost, the bye-laws of the holy office, and of the



*The Table of the Supper.*







No one in the prison must so much as mutter, or make any noise, but must keep profound silence. If any one bemoans himself,<sup>a</sup> or bewails his misfortune, or prays to God with an audible voice, or sings a psalm or sacred hymn, the jail keepers, who continually watch in the porches, and can hear even the least sound, immediately come to him, and admonish him that silence must be preserved in this house. If the prisoner doth not obey, the keepers admonish him again. If after this the prisoner persists, the keeper opens the door, and prevents his noise, by severely beating him with a stick, not only to chastise him, but to deter others, who, because the cells are contiguous, and deep silence is kept, can very easily hear the outcries and sound of the blows. I will add here a short story that I had from several persons, which, if true, shews us with what severity they keep this silence. A prisoner in the inquisition coughed. The jailors came to him, and admonished him to forbear coughing, because it was unlawful to make any noise in that house. He answered, it was not in his power. How-

exchequer of the inquisition, the collection of apostolic bulls, and the privileges of the inquisition: also, a sufficient number of ink-stands for the ministers who are at the table, and a bell. And in the wall fronting the place where the prisoners are to sit, there shall be an image of our Lord Jesus Christ, in a solid statue, decorated with becoming decency.

There shall also be a room called the *Secret*, where are to be kept all documents of trials, records, books, and papers requiring secrecy, and the windows of this room shall have iron grates, very strong and close to each other, that nobody may gain entrance through them, and there shall be only one door to the room of dispatch, very strong and secure, with three locks and three different keys, one of which the promotor shall keep, and the other two the two senior notaries.—Bye Laws of the Holy Office, Title II. printed in the Palace of the Inquisition, at Lisbon, 1640, in Da. Costa. vol. ii. 7.

<sup>a</sup> The inquisitors take very particular care, that their wretched victims shall not be permitted to vent their woe, obtain information, or ask advice of any. Thus the Bye-Laws provide, book i. tit. 14. sect. 16. "He (the goaler) shall accompany the prisoners when they go to the board, or return from the board to the prison, having always one of the guards, and he shall never permit the prisoner to speak when they pass by the corridors, nor shall he speak to them, nor shall he persuade them to confess their crimes. And when the prisoners shall commence any discourse with him on that subject, he shall inform them, that this matter can be noticed only at the board of the holy office."—Da Costa. vol. i. 135.

ever, they admonished him a second time to forbear it, and because he did not, they stripped him naked, and cruelly beat him. This increased his cough, for which they beat him so often, that at last he died through the pain and anguish of the stripes.

They insist so severely on keeping this silence, that they may cut off every degree of comfort from the afflicted,<sup>a</sup> and especially for this reason, that the prisoners may not know one another, either by singing, or any loud voice. For it oftentimes happens, that after two or three years confinement in the jail of the inquisition, a man doth not know that 'his friend, nor a father that his children and wife are in the same prison, till they all see each other in the act of faith. And finally, That the prisoners in the several cells may not talk with one another, which, if ever found out, their cells are immediately changed.

If any one falls ill in the prison, they send to him a surgeon and physician, who administer all proper remedies to him to recover him to health. If there be any danger of his dying, they send him a confessor, if he desires it. According to the provision of the Madrid instruction, A. D. 1561. cap. 71.<sup>b</sup>

If the criminal doth not ask for a confessor, and the physician believes the distemper to be dangerous, he must be persuaded by all means to confess; and if he judicially satisfies

<sup>a</sup> Gonsalv. p. 117.

<sup>b</sup> If any criminal falls ill in prison, the inquisitors must take diligent care that he may have medicines, and all things necessary for his safety, and the advice of one physician or more, to recover him \* And if he desires a confessor, let them assign him one of known probity, and who may be confided in, and let him be sworn to secrecy. If the penitent says any thing to him in confession, which he would have told out of the jail, let him not obey him in this by any means, nor discover any such commands. But if he enjoins him any thing out of confession, let him reveal that to the inquisitors. Farther, let the inquisitors admonish and instruct the confessor how he shall behave towards the penitent, particularly that he tell him, that since he was imprisoned for heresy, and accused as guilty of it, he cannot be absolved, unless he judicially declares his heresy. Let other things be left to the judgment and conscience of the confessor, who ought to be instructed that he may understand what is fit to be done in such a cause.

\* Direct. p. 2. com. 25.

the inquisitors, he is to be reconciled to the church before he dies, and being absolved in judgment, the confessor must absolve him sacramentally. This is ordered by the same instruction.

If he is well, and desires a confessor, some are of opinion he may not have one granted him, unless he hath confessed judicially. Others think he may; and in this case the confessor's business is to exhort him to confess his errors, and to declare the whole truth, as well of himself as of others, as he is bound de jure, to do. However, he must add, that he must not accuse himself or others falsely, through weariness of his imprisonment, the hope of a more speedy deliverance, or fear of torments. Such a criminal the confessor cannot absolve, before his excommunication is first taken off, and he is reconciled to the church. But in Italy the prisoners are more easily allowed a confessor than in Spain.

They are particularly careful not to put two or more in the same cell, unless the inquisitor for any special reason shall so order, that they may not concert with one another to conceal the truth, to make their escape, or to evade their interrogatories. The principal reason indeed seems to be, that through the irksomeness of their imprisonment, they may confess whatsoever the inquisitors would have them. But if an husband and his wife are both imprisoned for the same offence, and there be no fear that one should prevent the other from making a free confession of the crime, they may be put in the same cell.

The inquisitors are obliged to visit the prisoners twice every month,<sup>a</sup> and to enquire whether they have necessaries allowed them, and whether they are well or not. In this visit they usually ask him in these very words, How he is? How he hath his health? Whether he wants any thing? Whether his warder is civil to him? *i. e.* Whether he speaks to him in a reproachful and severe manner? Whether he gives him his appointed provision, and clean linen? and the like.<sup>b</sup> These are exactly the sentences and words they use in these visits, to

<sup>a</sup> Gousalv. p. 125.

<sup>b</sup> Inquis. Goan. c. 12.



which they neither add any thing, nor act agreeably; for they use them only for forms sake, and when the inquisitor hath spoken them, he immediately goes away, scarce staying for an answer. And although any one of the prisoners complains that he is not well used, it is of no advantage to him, nor is he better treated for the future. If there be occasion or necessity, it will be convenient for them to visit the prisoners three or four times every month, yea, as often as they think proper, viz. when the criminal bears with impatience the misfortune and infamy of his imprisonment, in such case the inquisitor must endeavour to comfort him very often, not only by himself, but by others, and to tell him, that if he makes a free confession, his whole affair shall be quickly and kindly ended.

The inquisitors must take care not to talk with the criminals, when they are examined or visited, upon any other affairs but such as relate to their business. Nor must the inquisitor be alone when he visits, or otherwise gives them audience; but must have with him his colleague, or at least a notary, or some other faithful servant of the holy office. According to the Madrid instruction.<sup>a</sup>

This also they are particularly careful of, that the criminals may not be removed from one cell to another, nor associate with any other. If any prisoners have been shut up together at once in the same cell, when they are removed, they must be removed together, that hereby they may be prevented from communicating any thing that hath been transacted in the prison. This is more especially to be observed, in case any of them recal their confession, after they have been removed from one cell and company to another. But if a criminal confesses, and is truly converted, he may more easily be removed from one cell to another, because the inquisitor is in no pain for fear of his retracting, but may oftentimes make use of him to draw out the truth from other prisoners, according to the advice of Eymerick, in his Directory of the Inquisition.<sup>b</sup>—“ Things of this nature,” says he, “are to be learned rather from experience than art, or precept, especially as there are some things

<sup>a</sup> A. D. 1561. c. 17.

<sup>b</sup> P. 3. n. 107. and Pegna's Commentary 23.

which must neither be revealed or taught, and are well known in themselves to the inquisitors."

If women are imprisoned, they must each of them have, according to their quality, one honest woman at least for a companion, who must never be absent from her, to prevent all suspicion of evil.<sup>a</sup> This companion must be antient, of a good life, pious and faithful. Sometimes when women are to be imprisoned, they do not carry them to the jail of the inquisitors, especially if they are regulars, if the jails be within the walls of the monasteries, but to the convents of the nuns. When this happens, they command the abbess or prioress to admit nobody to discourse with the prisoner without express leave of the inquisitor, but diligently to observe the order given her. But when the cause is of importance, and full of danger, and such they esteem all that relate to the faith, they think it safer that women should be imprisoned in the jails of the inquisitors. But the cardinals inquisitors general are to be consulted in this affair, who, after mature consideration, are to determine whether it be most expedient that such criminals should be kept in the jails of the bishops, or inquisitors regulars, especially if they are young and handsome, as is often the case of those who are taken up for telling people's fortunes about their sweethearts.

It is farther the custom and received use of this holy tribunal, that such who are imprisoned for heresy, are not admitted to hear mass, and other prayers which are said within the jail, till their cause is determined. Their principal pretence for this custom is, that it may possibly happen, when there is a great number of criminals, that the several accomplices, companions, and partakers of the crime, may at least by nods and signs, discover to one another, how they may escape judgment, or conceal the truth.

But the true and genuine reason is, that the prisoner may have nothing to contemplate, besides his present misfortune, that so being broken with the miseries of his confinement, he may confess whatsoever the inquisitors would have him. For

<sup>a</sup> Pegna, Prax. Inq. l. 2. c. 15. n. 6.

this reason they deny them books, and all other things that would be any relief to them, in their tedious imprisonment. If any one of the prisoners whatsoever prays the inquisitor when he visits him, that he may have some good book, or the holy bible, he is answered, that the true book is to discover the truth, and to exonerate his conscience before that holy tribunal, and that this is the book which he must diligently study, viz. to recover the remembrance of every thing faithfully, and declare it to their lordships, who will immediately prescribe a remedy to his languishing soul. If the prisoner in the same or next visit is importunate about it, he will be commanded silence, because, if he asks to please himself, they may grant or deny him according to their pleasure.

The keeping the jail anciently belonged to the executor's office,<sup>a</sup> and as often as he was absent, he was obliged to provide another keeper at his own charge. But now the jail-keeper is created by the inquisitor-general, and is different from the executor.

Those who keep the jails for the crime of heresy, must swear before the bishop and inquisitor, that they will faithfully keep their prisoners, and observe all other things prescribed them by Clement I. de hæret. sect. Porro.

There must be two keepers to every jail,<sup>b</sup> industrious and faithful men, one appointed by the bishop, the other by the inquisitor. Each of them may have their proper servant. Besides this, to every cell there must be two different keys, each keeper to have one, which they may give to their servants, to supply the prisoners with necessaries. The bishop and inquisitor have no power to agree that there shall be but one keeper, because it doth not seem safe enough, neither is it allowed them by law, nor appointed in their cause or favour.<sup>c</sup>

But now there is only one jail-keeper appointed in every province, chosen by the inquisitor general, who is not allowed to give the prisoners their food. But the inquisitors choose

<sup>a</sup> Simanc. tit. 41. sect. 5.

<sup>b</sup> Simanc. de Cathol. Instit. tit. 16. sect. 7, 8, 9.

<sup>c</sup> Clem. I. sect. Sane. de hæret.

some proper person to this office, who is commonly called the dispenser. The provisions they give the criminals are generally prepared and dressed in the house of the inquisition; because if they were prepared in the houses of the criminals themselves, or any where else, something might easily be hid under them, that might furnish them with the means of concealing the truth, or to elude or escape judgment. This, however, is to be left to the prudence and pleasure of the inquisitors, whether and when the criminals may, without danger, prepare their provision in their own houses. But upon account of the hazard attending it, the inquisitors but seldom, and not without exquisite care, gratify them in this particular. If any things are sent them by their friends or relations, or domestics, the jail-keeper and dispenser never suffer them to have it, without first consulting the inquisitors.<sup>a</sup>

As these keepers have it in their power greatly to injure or serve their prisoners, they must promise by an oath, before the bishop and inquisitors, that they will exercise a faithful care and concern in keeping them, and that neither of them will speak to any of them but in presence of the other, and that they will not defraud them of their provision, nor of those things which are brought to them. Their servants also are obliged to take this oath.

But notwithstanding this law, a great part of the provision appointed for the prisoners, is withheld from them by their covetous keepers; and if they are accused for this to the inquisitors, they are much more gently punished, than if they had used any mercy towards them. Reginald Gonsalve relates,<sup>b</sup> that in his time, Gaspar Bennavidius was keeper of a jail:—“ He was a man of monstrous covetousness and cruelty, who defrauded his miserable prisoners of a great part of their provisions, which were ill dressed, and scarce the tenth part of what was allowed them, and sold it secretly, for no great price, at the Triana. Besides, he wholly kept from them the little money allowed them to pay for the washing of their linen; thus suffering them to abide many days together, without that ac-

<sup>a</sup> Instruct. Tolet. cap. 26.

<sup>b</sup> p. 111, &c.



commodation, deceiving the inquisitor and treasurer, who put that money to the keeper's account, as though it had been expended every week for the use of the prisoners, for whom it is appointed. Neither was it very difficult to deceive them, because they took but little pains to enquire out the truth. If any one of the prisoners complained, muttered, or opened his mouth upon account of this intolerable usage, the cruel wretch, who had divested himself of all humanity, had a remedy at hand. He brought the prisoner immediately out of his apartment, and put him down into a place they call *Mazmorra*, a deep cistern that had no water in it. There he left him for several days together, without any thing to lie on, not so much as straw. His provision there was so very rotten, that it was more proper to destroy his health by sickness, than to preserve it, or support him in life. All this he did without ever consulting the inquisitors, and yet fraudulently and villainously pretending their command to his prisoner. If any one besought him to complain to the inquisitors for so injurious a treatment, for they could not do it by any other person, and to desire an audience, the cunning wretch, knowing that the whole blame must lie upon himself, pretended that he had asked, but could not obtain it. By such forged answers, he kept the miserable prisoner in that deep pit twelve or fifteen days, more or less, till he had fully gratified his anger and cruelty. After this, he brought him out, and threw him into his former jail, persuading him, that this favour was owing to his humanity and care, having made intercession for him with their lordships. In short, his thefts and injuries with which he plagued his prisoners, who were otherwise miserable enough, were so numerous, that some persons of interest with the inquisitors, at length accused him before them. Upon this he was imprisoned himself; and being found guilty of many false accusations, he received this sentence:—That he should come out at a public act of the faith, carrying a wax candle in his hand, be banished five years from the city, and forfeit the whole sum of money, which, by virtue of his office, he was to have received from the holy tribunal.

“ This very man,<sup>a</sup> whilst he was keeper, had in his family, an ancient servant maid, who, observing the distress of the prisoners, labouring under intolerable hunger and misery, through the wickedness and barbarity of her master, was so moved with pity towards them, being herself well inclined to the evangelical piety, that she often spoke to them through the doors of their cells, comforted them, and, as well as she could, exhorted them to patience, many times putting them in meat under their doors, in proportion to the mean and low abilities of her condition. And when she had nothing of her own, by which to shew her liberality to the prisoners of Christ, she took good part of that provision from the wicked thief her master, which he had stolen from the prisoners, and restored it to them. And that we may the more wonder at the providence of God, who so orders it, that the worst of parents shall not have always the worst of children, but sometimes even the best; a little daughter of the keeper himself was greatly assisting to the maid in these humane acts. By means of this servant, the prisoners had information of the state of the affairs of their brethren and fellow prisoners, which much comforted them, and was oftentimes of great service to their cause. But at length the matter was discovered by the lords commissioners, by whom she was thrown into prison for a year, and underwent the same fate with the other prisoners, and condemned to walk in the public procession, with a yellow garment, and to receive two hundred stripes, which was executed upon her, the following day, through the streets of the city, with the usual pomp and cruelty. To all this was added, banishment from the city and its territories for ten years. Her title was, “ The Favouress and Aidress of heretics.” What excited the implacable indignation of the lords, the fathers of the faith, against her was, that they discovered in her examination, that she had revealed the secrets of the most holy tribunal, to some of the inhabitants of the prison, particularly relating to the provision allotted to the prisoners. From both these examples, and from their different and unequal punishment, any one may see, how much safer it is to add to the affliction of the prisoners in their jail, than to comfort them by any act of humanity and mercy whatsoever.”

And in order that the jail of heretics may be kept secret,<sup>a</sup> no one of the officials, no not the judge himself, as we shall afterwards see, can enter it alone, or speak with the prisoners but before another of the officials, nor without the previous order of the inquisitors.<sup>b</sup> All are obliged to swear that they will observe this, that no one may see or speak to the prisoners besides the person who gives them their necessities, who must be a faithful honest person, and is obliged to swear, that he will not discover the secrets, and must be searched, to prevent his carrying any orders or letters to the prisoners.

This command they will have observed as most sacred, because, as they say, *secrecy is the strength of the Inquisition*, which might easily be violated, unless this order be punctually kept, and therefore they always most severely punish those who transgress it. Gonsalvius Montanus gives us a very remarkable instance of this.<sup>c</sup> “A few years ago, (viz. before Gonsalvius wrote this account) one Peter ab Herera, a man not altogether vile, but of some humanity, and not very old, was appointed keeper of the tower of Triana, which is the prison of the Inquisition. It happened, as it often doth in such numerous and promiscuous imprisonments, that amongst other prisoners committed to his custody, there was a certain good matron, with her two daughters, who were put in different cells, and earnestly desired the liberty of seeing one another, and comforting each other in so great a calamity. They therefore earnestly entreated the keeper, that he would suffer them to be

<sup>a</sup> Sect. II.

<sup>b</sup> The prevention of all communication with the prisoners, is another proof of the ridiculous secrecy that pervades the Inquisition; for the prisoners are allowed to hear nothing that has passed out of doors, however trivial the intelligence may be. Soon after my imprisonment, I heard an alarm of fire, and afterwards, asking one of the guards, who was a little more kind than the rest, where it had taken place, and if it had caused much damage, I was told that the prisoners of the Inquisition were not to busy themselves concerning any thing that passed out of doors. Another time I asked, whether that was to be a day of business, or holy day, in the tribunal, as I intended to solicit an audience from the inquisitor. The answer was, that I could not be informed. If I wanted an audience, I might solicit it, and perhaps, if convenient, the request would be granted.” Da Costa’s Narr. vol. i. 72.

together for one quarter of an hour, that they might have the satisfaction of embracing each other. He, being moved with humanity and compassion, allowed them to be together, and talk with one another for half an hour, and after they had indulged their mutual affections, he put them, as they were before, in their separate prisons. A few days after this, they were put with great cruelty to the torture; and the keeper being afraid, that through the severity of their torments, they should discover to the lords the fathers inquisitors, his small humanity in suffering them to converse together for half an hour, without the inquisitor's leave, through terror went himself to the holy tribunal, of his own accord confessed his sin, and prayed for pardon, foolishly believing, that by such his confession, he should prevent the punishment threatened him for this action. But the lords inquisitors judged this to be so heinous a crime, that they ordered him immediately to be thrown into jail; and such was the cruelty of his treatment, and the disorder of mind that followed on it, that he soon grew distracted. However, his disorder and madness did not save him from a more grievous punishment. For after he had lain a full year in that cursed prison, they brought him out in the public procession, clothed with the yellow garment, and an halter round his neck, as though he had been a common thief, and condemned him, first to receive two hundred lashes through the streets of the city, and then to the galleys for six years. The day after the procession, as he was carried from the Triana to be whipt with the usual solemnity, his madness, which usually seized him every other hour, came on him, and throwing himself from the ass on which, for the greater shame, he was carried, he flew upon the inquisitory Alguazile,<sup>a</sup> and, snatching from him a sword, had certainly killed him, had he not been prevented by the mob who attended him, and set him again upon the ass, and guarded him till he had received the two hundred lashes, according to his sentence. After this, the lords inquisitors ordered, that as he had behaved himself in-

<sup>a</sup> An officer who executes the orders of the Inquisition.



decently towards the Alguazile, four years more should be added to the six for which he was at first condemned to the gallies."

These keepers are answerable for the smallest fault, for they are to use the same care in the custody of their prisoners, as fathers ought to do in governing their families; so that if they suffer any one to escape from jail, they are to be punished according to the nature of their offence. It is therefore their business frequently to visit and search the cells of their prisoners, to prevent any thing from being clandestinely carried in, by which they may destroy themselves, or dig through the walls, and so escape.<sup>a</sup> Their care of the women is to be peculiarly strict, since the sex is naturally frail, and more subject than men to yield to passion and despair, and so are more likely to seek an occasion of destroying themselves. They must, above all other things, take care that they do not behave themselves indecently towards their women prisoners. Thus the congregation of cardinals inquisitors general, condemned a jail keeper to the gallies for seven years, and to perpetual banishment from the place where he committed his offence, for a criminal intimacy with a woman that was prisoner in the holy office; as appears from the letters of Cardinal Arigonius,<sup>b</sup> directed to the inquisitor of Cremona.

If the inquisitor thinks it necessary to prevent the escape of any prisoners, he may lay them in irons. If the poverty of the inquisitors is so great, or their jails so defective, as that they are not fit to hold in safe custody, either for the thinness of the walls, or for want of iron bars to the windows, or sufficient bolts for the doors, if the magistrate be required by the inquisitor, he must take care of the safe custody of the prisoners, according to the constitution of Alexander IV. beginning, *Ad extirpanda*.

What the several duties of the messenger, door-keeper, and physician are, is plain enough from their very names.<sup>c</sup>

<sup>a</sup> Carena, p. 1. t. 15. n. 11.

<sup>b</sup> Jan. 13, 1610.

<sup>c</sup> Simanc. tit. 41. sect. 10.

They must be honest men, and not suspected, and born of old Christians.

## CHAP. XIX.

*Of the Expences requisite in the Administration of the INQUISITION and Confiscation of effects applied to this Use.*

THESE jails cannot be built, nor criminals be apprehended, nor maintained in prison, without expence. It was therefore necessary that some law should determine how these expences should be provided for. Besides the inquisitors, and all other servants of the Inquisition, must have their salaries paid them. Originally this burthen was laid on the cities themselves, as may be collected from the constitution of Innocent IV.<sup>a</sup> *Ad extirpanda.*<sup>b</sup>

But as the cities thought themselves aggrieved by this charge, and openly refused to bear it, the confiscated effects of heretics have been applied to these uses, and the cross-bearers have bound themselves by vow, that they will expend their own estates for the defence of the faith. But that it may be more distinctly understood how these effects are applied to the uses of

<sup>a</sup> An. 1252. sect. 3. Bzovius.

<sup>b</sup> Let the chief magistrate or governor be obliged, at the expence of the place where he presides, to cause such heretics, when apprehended, to be carried wheresoever the diocesan, or his vicars, or the inquisitors, or inquisitor, shall order them to be carried, within the jurisdiction or district of such diocesan bishop, or of such city or place. The officials shall be allowed out of the chamber of such city or place, when they go without the said city or place, in execution of their office, every one of them eighteen Imperials in ready money per diem, which the magistrate or governor shall give, or cause to be given them, within three days after their return to such city or place. They shall also have the third part of the effects of heretics they seize on, and of the fines to which they shall be condemned, according as it is contained below, and with this salary shall be content. Neither shall they be compelled by any means to any other office and service, that may hinder them in the exercise of this.

the Inquisition, I shall endeavour to trace this whole affair from the beginning.

When the delegated Inquisition was first constituted,<sup>a</sup> the sentence concerning the confiscation of effects in the dominions of the church, was pronounced by the ecclesiastical judge; but in other countries by secular princes, as appears plain from the text.<sup>b</sup> “But in the countries subject to our temporal jurisdiction, we ordain that the goods of heretics shall be exposed to sale; and in other countries we command that it shall be done by the secular powers and princes, and if they appear negligent, we will and command that they shall be compelled to do it by ecclesiastical censure, without benefit of appeal.” But in a course of years it was, without any difference, provided that the declaratory sentence concerning such confiscation, should every where be passed by the ecclesiastical judge, who judges of the crime; and farther, that the execution of such confiscation, viz. the seizure of the goods, should be made by the ecclesiastical judge, viz. by the bishop or inquisitor:<sup>c</sup> “the execution of such confiscation, or the seizure of the effects themselves shall not be made by princes, or other temporal lords, before the sentence for such crime shall have been published by the bishop of the place, or some other ecclesiastical person, who hath power in this affair.”<sup>d</sup>

Whether heretics repent or not, whether they are converted before they are delivered to the secular court, or afterwards, their effects are *ipso facto*, confiscated.<sup>e</sup> “The goods of heretics, who offend more grievously, horribly, and detestably than others, we, with the advice of our brethren, decree to be, *ipso jure* confiscated.” Neither doth it signify whether the heretic hath persisted in his heresy for a longer or shorter time; because heresy is not judged of by the length of time.

But if any voluntarily return to the church, before they are accused or denounced, or if immediately after they are appre-

<sup>a</sup> Direct. p. 3, com. 148.

<sup>b</sup> In cap. Vergentis. de hæret.

<sup>c</sup> Cap. Ut Inquisitionis. sect. Prohibemus.

<sup>d</sup> C. Cum secundum leges. sect. fin. de hæret. lib. 6. ibid.

<sup>e</sup> Ibid. de hæret. l. 6.

hended, they make a full and entire confession of themselves and others, whom they know to be heretics: such who thus return with a pure heart, before the depositions of the witnesses are published, are, as seems equitable, kindly excused from imprisonment, and have also for the same reason the confiscation of their effects remitted them.<sup>a</sup> In Italy it is owing rather to custom than to any papal constitution, that the effects of penitent heretics are not sold. But in Spain, the effects of heretics, though penitent, are confiscated, not only by the papal, but royal laws.

But as to the seizure and application of such confiscated effects, the civil law thus determines.<sup>b</sup> “Whom also we pursue with the publication of all their effects.” However such effects, published because of heresy, were not condemned to the treasury, if the children of such heretics were Catholics; as is plain from the before-mentioned law. “Neither do we permit their children to become their heirs, unless they forsake their parents wickedness.” It is also farther explained,<sup>c</sup> to whom the confiscated effects of heretics shall be applied, if their children are not Catholics, viz. to their next relations and kindred, if Orthodox and Catholic. But if none such are to be found, the effects are all to be converted to the treasury of the secular prince. And a little after,<sup>d</sup> this method of succession is prescribed, if the fathers should be Catholics, and their children heretics. Because heretical children and relations cannot succeed Catholic parents, if the father be a clergyman, the church shall inherit; if a layman, his estates shall go to the treasury. Many ages after this, Frederic the emperor, by a law beginning, *Catharos*, thus ordained, about the year 1220. “We condemn all heretics of both sexes, and every name, to perpetual infamy, we deprive them of our protection, and put them under the bann, ordering their effects to be confiscated, and never more to return to them, so that their children shall never

<sup>a</sup> Simanc. tit. 42. sect. 17.

<sup>b</sup> L. Manichæos. Cod. de hæret.

<sup>c</sup> L. Cognovimus, C. de hæret.

<sup>d</sup> In Authent. sect. quis de predictis.



come to the possession of them, since it is much more heinous to offend the eternal than the temporal majesty.

But as the crime of heresy is merely ecclesiastical, they contend that the ecclesiastical laws, which order all things relating to the punishment of it, ought to prevail, and be every where observed. And therefore since the confiscation of effects is one of the penalties ordained against heretics, they affirm, that what hath been ordained by the ecclesiastical papal laws and constitutions, ought to be observed by all that would approve their obedience to the church of Rome.

Pope Innocent III. in the year of our Lord 1199 or 1200, and second year of his papacy, first ordained at the Lateran,<sup>a</sup> by a decretal epistle, beginning, *Vergentis in senium*, directed to the clergy, consuls, and people of Viterbo, that the effects of heretics should be confiscated, as had been determined by the civil laws, and that they should be applied to the treasury of the church in the countries subject to her, and in other dominions of the empire, to the treasury of the secular judge. And this he commands to be observed, although heretics should have Catholic children, who by the civil law were allowed to succeed to their parents estates. The same confiscation of effects, a few years after, A. D. 1215, was decreed in the Lateran council under Innocent III.

Pope Innocent IV. by a constitution made at Perouse 1252, commanded the confiscated goods of heretics to be divided into three parts, one to be applied to the public use of the city, another to the officials engaged in the affair, and the other to the disposal of the inquisitor or diocesan, in favour of the faith, which was afterwards confirmed and modified by Clement IV. and Boniface VIII.

Lastly,<sup>b</sup> Friar Bernard Comensis, in his light of the inquisitors, hath given us this short account of the whole affair. "The effects of heretics, since they are *ipso jure* confiscated from the day of the crime committed, shall not be sold or alienated by the said heretics.<sup>c</sup> Yea, the treasury or inquisitors shall reclaim the said effects, if sold or alienated, out of

<sup>a</sup> April, Cal. 8.

<sup>b</sup> In voce. Bona hæret

Ibid. 4.

the hands of the possessors, without any charge, through what hands soever they may have passed; unless the price, or something equivalent to it, was amongst the effects of the said heretic thus alienating them.

“ The ordinary or diocesan shall have no part of the profits of the goods of heretics,<sup>a</sup> appropriated to the office of the Inquisition, although he himself proceeds in the said office; but must discharge his duty at his own proper expences, and out of his own returns, because he is the ordinary, according to the Extravagant of Benedict XI. beginning, *Ex eo quod*. Nor are the inquisitors obliged to give an account to the said diocesans of the effects accruing to the office of the Inquisition.

“ Whereas the cross-bearers now generally provide, in aid of the office of the Inquisition,<sup>b</sup> all the necessary expences of the said office, at the pleasure of the inquisitors, and appoint such officials as are necessary to the said office, and pay them, as the inquisitors order them; they have therefore, now introduced a custom, that the confiscations made of the effects of heretics by the inquisitors, shall be applied to the office of the Inquisition, and administered by the inquisitors, or the said cross-bearers at the pleasure of the inquisitors, to expedite the affairs of the said office, and in all causes appertaining to it.

“ When the effects of heretics are confiscated,<sup>c</sup> such confiscation reaches not only to such effects as are found in the territory where the condemnation is made, but to such as are found in any other territory; and the execution shall be made by the officials of that place where the goods are. For instance, if a man is born at Bologne, and hath a good estate there, and yet builds himself an house at Florence, and is by the inquisitor of Florence condemned there for heresy; in such case the inquisitor of Bologne shall seize upon all his effects which he finds there, because the purse of the church of Rome equally extends to Bolognè as to Florence. But it is not thus with the part that comes to the officials. See the declaration of Nicholas IV.<sup>d</sup>

<sup>a</sup> In voce. Bona hæret. 5.

<sup>b</sup> Ibid. 6.

<sup>c</sup> Ibid. 7.

<sup>d</sup> A. D. 1291. Oct. 5.

“The moveable effects of the criminal, which are found in any other territory, must go to the treasury of such place in which they are condemned.”



## CHAP. XX.

### *Of the SALARIES of the INQUISITORS, and other OFFICERS.*

IT is very evident from what hath been already said, that the method of paying the inquisitors their salaries, is not every where the same, but very different, according as the confiscated effects are seized, either by the secular lords or the inquisitors.

Formerly, in France,<sup>a</sup> the expences and necessary supports were given them out of the royal treasury, by the Ballives;<sup>b</sup> who, in that age, received the returns of their several districts, and had their accounts audited in the chamber of accounts, as appears from those accounts themselves. For some of them gave in an account of the expences of the friars inquisitors, at Ascension term, A. D. 1248. There is also extant in the royal chamber of records,<sup>c</sup> an edict of Philip the Fair, by which they are commanded, not only to furnish the inquisitors with necessary provisions, but also to give them assistance and counsel in the execution of the office committed to them. “To the Seneschall of Tholouse, and Carcassone, greeting: Whereas Friar William de Morreriis, a predicant, of whom we have received a favourable account, is, as is reported, newly deputed by the apostolic authority, inquisitor at Tholouse, we command you, that ye cause to be given and ministered to him our jails, situate in our lands, for the custody of persons taken up for the

<sup>a</sup> Du Cauge in voce Inquisitio.

<sup>b</sup> Ballives, are judges to administer justice in provinces and greater cities, and who also took care of the fines, confiscations, mortmains, and other effects belonging to the king, in their respective districts.—Du Fresne.

<sup>c</sup> Register Book xxxvi. cap. 16.

crime of heresy ; as also money for his provision, and for executing his office ; and that you grant him all help, favour, and counsel therein, as hath been hitherto granted to other inquisitors, and as long as it shall be our pleasure.”<sup>a</sup>

James, king of Arragon, by a law, beginning, “ Quoniam fidei Catholicæ,<sup>b</sup> thus commands : “ Likewise also we will and command, that ye provide for the said inquisitors, their expences, and pay all their charges they shall be at upon account of the said inquisition, as well for horses as for other matters, as they shall give in their accounts of them, as often as you shall be required by them, or any one of them.”<sup>c</sup>

In Italy and other places, where the inquisitors are poor, the commonwealth must maintain them in the places where they live, as is provided by many rescripts of former popes ;<sup>d</sup> and particularly by a rescript of Innocent IV. beginning, *Ad extirpanda*. It is also the duty of the cross-bearers to support the inquisitors with their estates, to which they have obliged themselves by vow.

In Spain all these things are determined by certain laws.<sup>e</sup> As to the expences relating to the criminal under inquisition, the Madrid instruction<sup>f</sup> hath thus determined : “ Let so much money be taken out of the sequestred effects of the delinquent, as is necessary to carry him to jail, and six or eight pieces of gold more for his own support ; nor shall any more expences be allowed him than are necessary for him, and the cattle that are to carry him, and the bed on which he is to sleep. If there be no ready money in the sequestred effects, such of them however as are less necessary shall be sold to bring in the said quantity. The executor of this affair shall take care to write down what he orders at the bottom of the registered effects, and what remains shall be assigned over to the dispensator of the prisoners, in the presence of the attorney of the sequestration. And the inquisitors shall be certified as to the whole affair.”

In many inquisitions this exact order is not observed, either

<sup>a</sup> Dated at Vicenn. 1302.

<sup>b</sup> Made May 23, 1202.

<sup>c</sup> Ezovius, A. 1292. sect. 5.

<sup>d</sup> Eymer. p. 3. q. 104. com. 153.

<sup>e</sup> Ibid.

<sup>f</sup> A. 1561. cap. 9.



through poverty, or for other reasons; in which case every one abides by the received custom of his inquisition.

In Spain there are fixed salaries for the inquisitors, and other ministers of the holy office, which are paid them at stated times out of the forfeited effects, according to the quantity and order described by Simancas.<sup>a</sup>

It is also provided in Spain, by many constitutions, that inquisitors, who receive gifts incur the sentence of excommunication, and are deprived of their office, and fined double the value of what they take.<sup>b</sup> This holds if they take gifts from

<sup>a</sup> Cathol. Inst. tit. 41. n. 33, 34. "The salaries must be paid to the inquisitors and officers by the commonwealth, which they serve with great labour, but greater profit.\* Every inquisitor hath annually allowed him 60,000, which now is increased to an hundred thousand pieces, every one of which is worth two of those brass pieces of money, which they commonly call Albi. The judges of the forfeited effects have each of them 30,000. The promotor fiscal as many. The scribe or notary the same. The executor 60,000. The receiver as many. The messenger 20,000. The door-keeper 10,000. The physician 5,000. These salaries may be increased at the pleasure of the inquisitor general, and are to be paid by the receiver at the fixed times, which if he neglects to do, he may be deprived of his office by the inquisitors.†

"All these salaries are paid out of the forfeited effects.‡ A third part is to be paid in the beginning of every fourth month, and they then begin to be due, when the judges and ministers go from their houses to manage the affairs of this holy inquisition. But if they die before the four months are complete, their salaries shall be paid and go to their heirs.

"The assessors and counsellors have no stipend, but must give their advice gratis, when the inquisitors desire it, as some lawyers affirm;|| and though they may receive a salary freely offered them, yet they cannot demand it, because all Christians are bound to support and defend the affair of the Catholic faith. However, these assessors, who are the eyes of the judges in every cause, even though it be spiritual, justly receive a salary for their service and labour. For many things are justly received, which it would be injustice to demand.

"Those advocates who defend the causes of the poor have a stipend out of the treasury, which is usually very small, though honourable.§ But if the criminals are not poor, the advocates are paid out of their effects."

<sup>b</sup> Simanc. de Cathol. Inst. t. 34. n. 45.

\* Eymer. p. 3. q. 104. com. 153. sect. 23.

† 4 Inst. Tolet. c. 2. Inst. 3. Valdoit. c. 13.

‡ Eymer. p. 3. q. 104. com. 153. sect. 34.

|| Ibid. sect. 13.

§ Ibid. tit. 5. sect. 6, 7.

their officials. It is ordained also, by the same instructions, That all the officers shall be content with their stipends, and receive no gifts; not so much as any thing to drink or eat. And if any one is convicted of doing it, he is deprived of his office, must pay double the sum, incurs the sentence of excommunication, and is fined in 10,000 pieces. If any one of the officers knows of any such thing, and doth not discover it to the inquisitors, he must suffer the same punishment.<sup>a</sup>

But Paramus doth not interpret this constitution,<sup>b</sup> so as to make the inquisitors, who are criminal in this respect, actually incur excommunication, and deprivation of office, but only so as to make them liable to this punishment from the inquisitor general. He also believes, if it be a small matter, the inquisitors may take it when voluntarily offered to them. But it is his judgment that they would do better to take nothing at all, neither from the criminals, which looks very suspicious, nor from their relations or friends, or any other persons whatsoever.

Every minister of the inquisition is also forbidden to concern himself in any traffic, either by himself or other persons; <sup>c</sup> if any one doth he is deprived of his office, and fined 20,000 pieces. If any one doth not discover this, he is excommunicated.<sup>d</sup>

The inquisitors, ministers, and receivers, are also forbidden to buy any thing of the confiscated effects, although they are publicly sold.<sup>e</sup> If any one doth buy any of them, though openly and honestly, he nevertheless incurs the sentence of excommunication, and is fined in an 100 pieces of gold.<sup>f</sup>

<sup>a</sup> The words of the instruction, A. 1484. cap. 1. are these: "They have likewise decreed, that the inquisitors and assessors of the inquisition, and other their officials, such as advocates, fiscals, executors, notaries, and door-keepers, shall receive no gifts or money from any persons whatsoever, which the said inquisition doth or may lay hold of, nor from any other persons appointed by them. And the inquisitor general shall command them not to receive any thing under pain of excommunication, deprivation of offices, which they hold from the holy inquisition, and returning double of what they take.

<sup>b</sup> Simanc. lib. 3. q. 2. n. 68.

<sup>c</sup> Ibid. de Cathol. Inst. t. 41. n. 38.

<sup>d</sup> 4 Inst. Tolet. c. 12.

<sup>e</sup> Simanc. de Cathol. Inst. sect. 29.

<sup>f</sup> 4 Inst. Tolet. c. 23.

However, as the author of the History of the Inquisition at Goa informs us, the inquisitors know how to amass vast riches, by two methods.<sup>a</sup> When the effects of the prisoners, after confiscation, are sold by the cryer, the inquisitors, notwithstanding this interdict, usually send one of their domestics, who bid a low price for such things as their masters want, being pretty secure that nobody else will out-bid them; and by this means they buy very valuable things for half price, or less. Besides this, the inquisitors have a right to demand the payment of the expences, and other necessary charges they have been at, when, and in what sums they please, whenever the money arising from the confiscations is carried into the royal treasury; without ever giving any reason, or any ones daring to ask them for what purposes they employ it.

Gonsalvius Montanus also tells us, in his arts of the Spanish inquisition.<sup>b</sup> That the inquisitors are sometimes prevailed with to use their prisoners a little more kindly, by some pretty presents made by their friends and relations. But this matter must be dextrously managed, that so the inquisitor may not refuse the offer. The first thing therefore is, to bribe one of his servants, in which there is no difficulty, provided it be done privately. When the inquisitors themselves are tampered with, they generally answer, That holy tribunal is incorrupt, and suffers no manner of gifts whatsoever to be received. But they have generally, amongst their attendants, some child of their brother or sister, or, at least, a servant that they greatly esteem, and who is to be highly respected, and who only sees the inquisitor refuse the presents offered to him. This servant comes to the prisoner's friend, and privately points out to him the relation of the lord inquisitor. This is giving him to understand, unless the person be a stock, that though before he in vain attempted to corrupt the integrity of this holy tribunal, he may by this conveyance prevail upon the inquisitor, though he would refuse to accept the same present when more openly offered him.

<sup>a</sup> Simanc. de Cathol. Inst. c. 23.

<sup>b</sup> Cap. 10.

# HISTORY

OF THE

## Inquisition.

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### BOOK III.

CRIMES BELONGING TO THE TRIBUNAL OF THE INQUISITION.

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#### CHAP. I.

*Of HERETICS and their Punishments. And first of such as are ECCLESIASTICAL.*

**H**ERESY is the crime properly subject to the trial of the inquisitors. For they are inquisitors of heretical pravity; and their whole office consists in the extirpation of heresy. But there are various offences relating to heresy, according to the statutes of the church of Rome, and one offence is more grievous than another. For some are manifest heretics, others concealed. Some affirmative, others negative. Some impenitent, others penitent. Some arch-heretics, others believers of heretics; some receivers, others defenders, others favourers of heretics. Some are hinderers of the office of the inquisition, others suspected of heresy, others defamed as heretics, and others relapsed. Again, there are some who, by committing certain other crimes, incur the suspicion of heresy, or, who committing certain crimes, punishable by other tribunals, yet are answerable to the tribunal of the inquisition, because of some heretical word or action mixed with those crimes: so that it must be particularly declared, what the respective crimes are, and what the punishments annexed to them. And finally, the Jews, in



some certain cases, and the revolvers to Judaism, as also witches and sorcerers, as far as they are said to deny the faith, are to be brought before the tribunal of the inquisitors. Of these severally in their order.

#### AND FIRST OF HERETICS.

Three things are required to make any one truly and properly an heretic.<sup>a</sup> First, That he hath professed the Catholic faith, i. e. hath been baptised. Secondly, That he err in his understanding in matters relating to the faith. What these things are the papists enquire; but they are reduced at last to this, that all points determined by a general council, or the pope as necessary to be believed, or enjoined as an apostolic tradition, are matters of faith. And this is said to make a man an heretic initially, and as to his disposition. The third is obstinacy of will. This is discovered two ways. The first is, when any one is called before a judge of the faith, and by him informed that the opinion he holds is contrary to an article of faith, or contrary to the determination of the church made concerning the faith, and yet nevertheless persists in his error. The other is, when any person, after the discovery of his error, will not renounce it at the command of a judge of the faith, by abjuring it, and giving suitable satisfaction.

This crime is so widely extended by the doctors of the church of Rome, that they esteem as heresy<sup>b</sup> every thing that is con-

<sup>a</sup> Eymeric, p. 2. qu. 32.

<sup>b</sup> The regulations of the holy office, book ii. tit. 4. offer a very remarkable instance of cruelty, where the age at which children are permitted to be proceeded against as heretics, and to abjure is defined; by which, as well as book iii. t. 1. sect. 12 it appears, that a male child at ten years and a half, and a female at nine years and a half, are liable not only to be tortured by the inquisition, but to be ordered to execution. History indeed affords many instances of tyrants, who have exercised their cruelties even against innocent children and tender infants, as has been said of Herod and others; this happened, however, through arbitrary orders dictated by an impulse of rage, or perhaps in some momentary derangement of the mind, but to ordain such horrid barbarities in cool blood, to make them part of a legislative system, which has been considered revised, corrected, examined, and meditated upon, from time to time, for years and for centuries, was reserved only for the holy office of the inquisition.—Da Costa's Narrative, vol. i. 131.

trary to any received opinion in the church, although it be merely philosophical, and hath no foundation in the sacred scripture. Such is that assertion of Bernard Comensis, in his *Candle of the Inquisitors* in the word heresy.<sup>a</sup> He is an heretic, who says, defends, or obstinately maintains, that the rational or intellectual soul is not the form of the human body of itself, and essentially; as appears in the Clementines, *Unica de summa Trinit.*<sup>b</sup>

The punishments ordained against heretics are many, and most grievous, because the church of Rome looks upon heresy to be a much more heinous crime than any other whatsoever. These punishments are divided by some into ecclesiastical and civil. Others say, that some punishments are inflicted on heretics, *a jure* and *'ipso facto*; and that others are inflicted by men. Conrad Brunus<sup>d</sup> comprehends, and particularly specifies all of them, under this threefold division.<sup>c</sup> Of human punishments ordained against heretics, some are ecclesiastical or canonical, which the sacred canons have appointed, such as excommunication, deprivation of ecclesiastical burial, dignities, benefices, and ecclesiastical offices. Some are civil, which the civil laws have enacted, such as the depriving men of the privileges and benefits of law, pecuniary mulcts, banishment, death, and the bann. Some are mixed, ordained both by the sacred canons, and the imperial laws; such as confiscation of goods, absolving subjects from their allegiance, infamy, and the ecclesiastical interdict. I choose rather to distinguish punishments only into ecclesiastical and civil. By ecclesiastical, I mean those which are inflicted on any one considered as a member of the church, and which are supposed to bring on him some spiritual evil. By civil, I understand such punishments as refer to the body or estate of any one, and are inflicted on him as a member of civil society, whether they are appointed by the civil or canon law, or by both.

Simancas gives a merry reason why they punish heretics so severely,<sup>d</sup> instead of convincing them by scripture of their error and false doctrine. "We must not contend with heretics by

<sup>a</sup> Sect. 14.

<sup>b</sup> Sect. Porro.

<sup>c</sup> De hæret. l. 5. c. 3. sect. 1.

<sup>d</sup> Cathol. Instit. tit. 59. sect. 11.

scripture, because by that our victory will be uncertain and doubtful." So that it is no wonder they should defend doctrines, which have no foundation in scripture, by force, and dreadful punishments, and extort that confession by the fear of punishment, which they can never persuade the mind of the truth of, as being destitute of the weight of reason, and the clear testimony of scripture. But it is time to return to our subject.

The first punishment ordained against heretics by the Canon law, is excommunication.<sup>a</sup> This was in use amongst the Christians in former times. For ever since that councils were held for the extirpation of heresy, the custom of excommunicating heretics was introduced. By this excommunication heretics were driven from the sacraments, deprived of the common suffrages of the church, and expelled the company of the pious and faithful. Thus the synod of Vernon determined in the year 755, chap. 9. "That ye may understand the nature of this excommunication, he must not enter into the church, nor eat and drink with any Christian;<sup>b</sup> let none receive his gifts, nor offer him a kiss, nor join with him in prayer, nor salute him.

The ceremony of excommunication is thus:<sup>c</sup> When the bishop pronounces the anathema, twelve priests must stand round him and hold lighted candles in their hands, which they must throw down on the ground, and tread under their feet at the conclusion of the anathema, or excommunication. Then a letter is sent about to the parishes, containing the names of the excommunicated persons, and the reason of their sentence.

Excommunication is either the greater or the less. Of both the synod of Nimes hath thus decreed, A. D. 1284. The greater excommunication is, when the prelate says, I excommunicate thee. "This excommunication separates a person from the communion of the faithful, and the participation and perception of the sacraments. The lesser excommunication is,

<sup>a</sup> Cap. cum Christus. Sicut ait, ad obolendam. Excommunicamus de hæret.

<sup>b</sup> Du Cange in voce Excom,

<sup>c</sup> Brunus, l. 5, c. 6. sect 6.

“ when any one communicates with a person under the greater excommunication ; by thus partaking with him he is removed from the perception of the sacraments, so that he ought not to receive the eucharist or other sacraments, till he is absolved.” An interdict is, when the prelate says, I interdict thee ; or, I put thee under the ecclesiastical interdict ; or, I interdict or prohibit thee from entering the church. “ Such an interdicted person, and he who is under the greater excommunication must not enter the church, nor stand near it, when divine service is performing, as long as they are under the sentence.

An interdict is a general excommunication, pronounced against a province, a town, or city.<sup>a</sup> Brunus describes it as applied to ecclesiastical affairs.

“ An ecclesiastical interdict is one of the principal ecclesiastical censures, as it forbids a person all divine services,<sup>b</sup> which is itself the greatest punishment, as it deprives a man of the benefit of divine services and sacraments, and affects the soul, even as a civil interdict doth the body. It is pronounced sometimes against a person, a community, or chapter. Sometimes against a place, a church, or city. And there is this difference: when a community is interdicted, the clergy may perform divine service with a loud voice, the gates being shut, and the bells rung, provided the excommunicate and interdicted persons be excluded, which they cannot do in an interdicted place. Farther, when a community is put under an interdict, we are not to understand it of the community as a body, but of some particular interdicted persons ; because the matter of the interdict is proportioned not to the body, but the several members. And yet an interdict may be pronounced against the whole community, as a punishment of the crime of the governors of the university, or body, in which case both the guilty and innocent are subject to the ecclesiastical interdict, especially those who were present, and knew the faults of the governors, without opposing them. In this case the truth is, that all the citizens, even the ignorant and innocent, are included in the interdict.<sup>c</sup>

<sup>a</sup> Cap. 17. de verbor Signif.

<sup>b</sup> Brunus, l. 5. c. 16. sect. 10.

<sup>c</sup> Q. Du Cange in voce interdict. The form of the interdict we have in the



The Venetian divines, in their treatise concerning the interdict of pope Paul V.<sup>a</sup> affirm, that the interdict is a new censure

council of Limoges, A. 1301. session the second. "Unless they come to terms of peace, let all the country of the Limosin be put under a public excommunication, so that no person, except a clergyman, or poor beggar, or stranger, or infant from two years old and under, be permitted burial, in the whole Limosin, or permitted to be carried to burial in any other bishopric. Let Divine service be privately performed in all the churches, and baptism given to those who desire it. About the third hour let the bells ring in the churches, and all prostrate pour out their prayers, upon account of the tribulation, and for peace. Let penance and the viaticum be granted in the article of death. Let the altars of all the churches be stripped, as in Easter eve, and the crosses and ornaments be taken away, as a token of mourning and sadness to all. Let the altars be adorned at those masses only, which any of the priests shall say, the church doors being shut; and when the masses are done, let them be stript again. Let no one marry during the time of the excommunication. Let no one give to another a kiss. Let no one of the clergy or laity, no inhabitant, or traveller, eat flesh or other meat, than such as is lawful to eat in Lent, in the whole country of the Limosin. Let no layman or clergyman be trimmed or shaved, till the censured princes, the heads of the people, absolutely obey the holy council." Some synods held at Landaff, recited in the English councils, after the ecclesiastical laws of king Alfred, declare, that in the time of the interdicts the altars were uncovered, the crosses and relics of the saints laid upon the ground, and the bells turned upward.

There is another form of the interdict extant in a manuscript of the church of Beauvis, amongst the laws of Charles the Great. In the name of Christ, I Hildegarius, bishop of Beauvis, by the authority of the Father, the Son, and the Holy Ghost, and by the authority of St. Peter, prince of the apostles, and by our own authority, do excommunicate and interdict this church, and all the chapels belonging to it, that no one may have power from Almighty God, or from St. Peter, the prince of the apostles, from this day to sing or hear mass, or perform any divine office, or receive the tythe of Almighty God, without our special leave. And whoever shall presume, contrary to these interdicts, either to sing or hear mass, or to perform divine service in any place, or to receive the tythe of Almighty God, let him be excommunicated and accursed by the authority of the omnipotent God, the Father, the Son, and the Holy Ghost, and of St. Peter, and all the saints, and separated from the society of Christians, and from the doors of our holy mother church, where there is remission of sins, and let him be anathema maranatha, to the end of the world, with the devils in hell. So let it be, once, twice, thrice, Amen. Boniface VIII. ordained, that notwithstanding the ecclesiastical interdict, divine service might be performed in the four festivals, to which Urban VI. added the festival of Corpus Christi, as may be found in the great Belgic Chronicle, A. 1389.

in the church; and they thus prove it: because there is no mention of an interdict, either as to the word or meaning, in the holy scripture, or any one of the ancient fathers, or in the collection of canons by Curcard or Gratian, who wrote about the year 1150. And, therefore, it did not begin till after his time, because Alexander III. first mentions it in the decretals, in a certain letter of his to the English prelates, A. D. 1170. They add,

In the beginning, when the interdict took place, all divine services were prohibited, except the baptism of children, and the penance of the dying.<sup>a</sup> About the year 1200, Innocent III. allowed of preaching and the sacrament of confirmation.<sup>b</sup> About the year 1230, Gregory IX. granted, that mass should be celebrated once every week, but without the ringing of the bell, with a low voice, and the gates shut, in order to consecrate the most holy sacrament for dying penitents.<sup>c</sup> About the year 1245, Innocent IV. permitted the sacrament of penance to be administered to the cross-bearers and strangers, and that two or three of the clergy might celebrate divine service with a low voice.<sup>d</sup> About the year 1300, Boniface VIII. decreed, that penance should not only be administered to the sick, but to such as were well, and every day; and that divine service should be performed with a low voice, the gates shut, and without ringing of bells, except on the feasts of the Nativity, Easter, Whitsunday, and the Assumption of the Blessed Virgin, when it should be celebrated with open gates, and the ringing of the bells.<sup>e</sup>

To this they subjoin the effects of an interdict, to shew, that if this censure be not used with some difference, it will destroy the church. It is worth while just to recite these effects, in the words of the aforementioned place, *Alma Mater*. and from the extravagant *Provide*. “Because,” says he, “by such sort of statutes the indevotion of the people is forgotten, heresies spring up, an infinite number of dangers arise to souls, and the church,

<sup>a</sup> Alexander III. capit. “Non est nobis.” respons. A. D. 1170.

<sup>b</sup> Capit. responso. de Sent. Excom.

<sup>c</sup> Cap. Permittimus. de Sent. Excom.      <sup>d</sup> Cap. Quod. in Text de Pœn.

<sup>e</sup> Cap. Alma Mater. de Sent. Excom. in 6.

without her fault, loses the obedience due to her." The words of the extravagant are these: "Prayers for the dead, especially by the frequent oblation of the salutary host, are either entirely prevented, or greatly lessened; young persons and children more seldom partake of the sacraments, and are thereby less inflamed and confirmed in the faith, the devotion of the faithful grows cool, heresies spring up, and the dangers of souls are increased." The gloss upon the same chapter, *Alma Mater*, says, that after the removal of the interdict from any place, persons of thirty or forty years old, who had never seen the mass celebrated, laughed at the priests as they were celebrating it. Sotus, a famous doctor, says,<sup>a</sup> "That though an interdict on one hand tends to terrify the excommunicate, yet on the other it endangers divine service, especially if it lasts for any considerable while; for that not only the laity lose their affection and regard for divine services, from not being accustomed to frequent them, but even the clergy themselves grow more remiss and indolent in performing them: upon which account religion itself suffers great loss, and the manners of the people grow wild and savage." Thus far the Venetian divines.

Heretofore they used, three times a year, solemnly to anathematize heretics of every sect, viz. in the day of *Cæni Domini*, the ascension,<sup>b</sup> when Christ prayed for all the faithful, and in the feast of the dedication of the churches of St. Peter and Paul; to denote that the excommunicate person was deprived of the sacrament of the supper,<sup>c</sup> that he could not partake of the prayers of the church, and that he was expelled the church, so that he could not pray with the rest of the faithful. To this custom succeeded the process of the bull, called *In cæna Domini*, which was read publicly, and with a loud voice, every year, on Holy Thursday, in the morning, by the last cardinal deacon, in the presence of the pope, and the rest of the cardinals and bishops, by which all heretics are anathematized.—When the reading of it is finished, the pope takes a little lighted torch, and throws it into the street, as a token of the thunder sent against the excommunicate. The use of this bull doth

<sup>a</sup> Distinct. 22. qu. 3. artic. 1.

<sup>b</sup> Pegna, p. 2. com. 22.

<sup>c</sup> Hierolex in voce Processus.



not seem very ancient; for neither Thomas, nor Eymericus, nor other ancient writers mention it. But it seems to have begun in the time of Martin V. about the year 1420, when the Bohemian doctrine was cursed and condemned by the council of Constance. Paul II. and Sixtus IV. make mention of it in some rescripts, beginning, *Etsi dominici Gregis*. Afterwards Leo X. increased it against Luther, as did Paul III. and the other Roman pontiffs.

Excommunication infers other punishments.<sup>a</sup> For if an heretic excommunicated hath any spiritual jurisdiction, he forfeits it, nor can he validly perform those acts which require jurisdiction, because as this is given by the church, the church may resume it. Hence all things that are done by a priest or bishop, without permission, are null, for the want of jurisdiction. All absolutions, censures, sentences, punishments, done by him, are void. Thus it is said,<sup>b</sup> that an excommunicated person cannot excommunicate, and that they are not to be looked on as excommunicate, who are excommunicated by heretics. Yet they so far retain the powers belonging to their order, that they may validly do an act which doth not require jurisdiction, though not lawfully, because they sin in doing it; and they give this reason, because the power of any order consists in an indelible character.<sup>c</sup> Hence they infer, that he who hath once legally received this power, must always keep it, and that therefore, he may validly do an act, which doth not require jurisdiction, provided the due matter, form, and intention, be preserved, because such a power hath its force from the institution of Christ, which the church cannot take away.

Finally, heretics are deprived of all ecclesiastical benefices and dignities.<sup>d</sup> But there is this difference between heretics, and their favourers, receivers, and defenders. Heretics are *ipso jure*, deprived of their ecclesiastical benefices, from the day of their committing their crime, by a rescript of Pius V. beginning, *Cum ex Apostolatus*, in which he reserves all benefices of whatsoever sort, and wherever they are, vacant for the

<sup>a</sup> Becani. Theol. Scholast. p. 581.

<sup>b</sup> Cap. Andivimus 24. qu. 2.

<sup>c</sup> Ibid. cap. aperte

<sup>d</sup> Eymer. part 3. qu. 113. Pegna, com. 162.



crime of heresy committed by any one, to the nomination and appointment of the apostolic see; whereas the receivers, favourers, and defenders of heretics are not *ipso jure*, deprived of their benefices, but must be deprived by sentence.<sup>a</sup>

This is extended to their posterity,<sup>b</sup> to the second generation by the father's side, and the first by the mother's.<sup>c</sup> So that if the father be an heretic, his son and daughter, and grandson by his son, is judged incapable, but the grandson by the daughter is not incapable, because he is *reckoned* of his own father's family. If the mother be an heretic, the son or daughter only in the first decree is incapable, and no farther. The sons of those also suspected of heresy are incapable. But when the receivers and abettors of heretics and the like are dead, there can be no process against them, because their crime is extinguished by death. As for those children who accuse their heretical parents to the judges of the faith, the punishments appointed by law do not affect them.

Amongst the ecclesiastical punishments is also reckoned, that no offering is to be made for those who die in heresy, nor are they to receive Christian burial.<sup>c</sup> And this Innocent IV. especially ordained by a perpetual constitution, induced thereto by that solemn sentence, "The bodies of excommunicated persons ought not to be buried in the sacred places of the faithful, because as the church had no communion with them when alive, she will have no communion with them when dead."<sup>e</sup>

<sup>b</sup> Cap. Excom. 1. sect. Credentes. de hæret.

<sup>b</sup> Qu. 114. com. 163, 164.

<sup>c</sup> Cap. Quicunq. sect. Heret. de hæret. l. 6. and cap. Statutum de hæret. lib. 6.

<sup>d</sup> Cap. Sicut ait B. Leo de hæret.

<sup>e</sup> Brovius, A. 1247, sect. 4. n. 15.

## CHAP. II.

*Of the Civil Punishments of HERETICS.*

POLITICAL punishments appointed by the canon and civil laws, against heretics, are various.

The first is what is commonly called, the confiscation of their goods.\* “We ordain that the goods of heretics be confiscated in all countries subject to our temporal jurisdiction, and in other places also by the powers and secular princes of them; and if they should prove negligent in this affair, we will and command that they be compelled to it, by an ecclesiastical censure, without benefit of appeal.”

“This confiscation of effects, Lewis a Paramo<sup>b</sup> derives from the example of God, who, not contented with the sentence of death pronounced against our first parents, drove man from the place of his delights, stript of all his goods, wounded in naturals, and spoiled of those gifts that had been freely granted him, his original integrity especially being irreparably lost, and adjudged him to hard and continual labours, and out of his hatred to so great a wickedness, commanded the very earth to bring forth briars and thorns. This example, he saith, the most holy tribunal of the Inquisition follows, confiscating by a just proscription the goods of heretics, and depriving them of all their effects and fortunes. Neither ought this instance to be accounted foreign from the case. For although the confiscation of effects doth not regularly take place as to all other crimes, though very heinous, nevertheless God, the first of the inquisitors, that in this detestable crime of heresy, he might give an example to other delegated inquisitors, deprived our parents of all their effects, of the possession of their earthly paradise, the use of all the fruits of it, and their dominion over all the creatures; for they did not only after this not obey our first parents, but became enemies to them. He also deprived their children and successors of these goods, &c. and this irrevocably. Nor can any one ever more come to such a place.”

\* Cap. Vergentis in Senium, de hæret.

<sup>b</sup> L. 1. t. 2. c. 7. p. 45.

Moreover, the goods of heretics are declared *ipso jure*, confiscate, in the chap. *Cum secundum leges*.<sup>a</sup> “We decree by the advice of our brethren, that the goods of heretics, who offend more grievously, horribly, and detestably, than the before mentioned, be *ipso jure*, confiscate.”

This law is of great use in the tribunal of the Inquisition, and extremely hard and severe upon the criminals, their relations, and heirs. For hence it is,<sup>b</sup> that because the goods of heretics are *ipso jure*, confiscate, they become forfeited from the very day of their crime, so that all donations by heretics, although secretly made, are null and void. Even portions given to daughters, to support the burthens of matrimony, though it be the duty of a father to portion them out, or given to such as have taken on them the holy vow of a monastic life, are to be revoked and confiscate. Zanchinus gives this reason,<sup>c</sup> because his goods are confiscate from the very day of his committing the crime, and therefore he can have no right of administration. But as for the goods of such, who cannot purge themselves, or are condemned for contumacy, they are not forfeited but from the day they are presumed to be heretics, not from the day that the witnesses declare them to have been heretics.

If any one gives a legacy upon account of death,<sup>d</sup> and falls into heresy, and his goods become confiscate, the legacy shall be recovered as void, and belongs to the treasury equally with all the other goods of the heretic. If an husband bequeaths any thing to his wife, and his memory be condemned for heresy after his death, such donation shall be revoked, although his legacies to others shall stand good. If any thing be owing to an heretic by a conditional contract, it belongs to the treasury under that condition, who must perform it, if they conveniently can. All the goods of a wife condemned for heresy and impiety are forfeited, whether they be her dowry, or any other things besides, which she brought to her husband, or such donations as the Spaniards call *Arrhæ*;<sup>e</sup> or such profits as

<sup>a</sup> de hæret. l. 6.

<sup>b</sup> Simanc. tit. 9. sect. 21, &c.

<sup>c</sup> Cap. 27.

<sup>d</sup> Simanc. tit. 9. sect. 9, &c.

<sup>e</sup> *Arrhæ* are the presents given to any women upon their being betrothed.

belong to wives by the royal laws. But the husband hath all his actions good against the treasury.<sup>a</sup> In like manner the goods of an heretical son gotten in war are confiscated, because that is the son's private property, in which the father hath no right. If he shall happen to have sold any of his goods, and the money be in his possession, or any thing equivalent, let it be restored to the orthodox buyer, but if it be consumed, it shall not be restored.

Hence it is, that in every sentence, the time of the person's falling into heresy is particularly expressed, and these or the like words inserted in it, "and by this our sentence we declare,<sup>b</sup> that all and singular his goods were brought into our treasury from the said time of committing the crime, and we do solemnly declare all and every of them to be confiscated to the treasury of the church of Rome, and our office of the Inquisition."

This confiscation of goods is so rigidly insisted on, that there is no possible way of evading it, no not by the alienation of a man's effects. The treasury of the Inquisition devours all.

It is prescribed in Italy, by the Pope's command, that by no pretence of alienation there may be any possibility of escaping the confiscation of goods, or forfeiture of dominion. Lucas Waddingus relates in his annals,<sup>c</sup> that Friar Andrew, inquisitor in Tuscany, proceeded to seize a certain powerful heretic, called Capellus de Chia. The Pope commanded, that all the faithful, both ecclesiastical and secular, should grant their assistance, that they should muster an army against him, and proceed in an hostile manner to waste and destroy his lands. Capellus, knowing himself proscribed, made a pretended sale of the castle or Casal. Peter James Surdus, a citizen of Rome, obtained from the senators of the city an order, that the inhabitants of Viterbo, who had taken arms in obedience to the church and the inquisitors, should not attack it, falsely pretending that it belonged to him. The Pope chid him severely, adding these amongst other words. "We therefore

<sup>a</sup> Zanch. c. 27.

<sup>b</sup> Ibid. c. 41.

<sup>c</sup> Bzovius, A. 1260, sect. 5, &c.



will, and by these presents strictly command you, that as soon as ever you receive them, and as you regard the divine favour and ours, you desist from so impious and pernicious an undertaking, as the defence of the said castle, and that you do not enter by any means whatsoever; but that you do procure, that the inhibition given through your instigation by the aforesaid senators of Viterbo, be totally revoked. Otherwise we will have you to know, and certainly to understand, that we shall proceed against you, by the authority of the lord, both spiritually and temporally, as a defender and favourer of heretics." Anagni, 2 May, and sixth year of our pontificate. Moreover he exhorts the inhabitants of Viterbo, that notwithstanding the contrary orders of the senators of the city, they should proceed in an hostile manner, to waste the lands of the aforesaid Capellus de Chia

But in our own time the Spanish inquisitors are endeavouring to extend their power and jurisdiction further, and under the pretence of confiscation of goods, to seize on theirs also, who have any commerce with the Spaniards, though they live in other countries not subject to them, and have separated from the communion of the church of Rome, because they have in their possession some of the effects of those who are in prison of the Inquisition, or condemned by the inquisitors, according to the daily practice of traders and merchants. Of this the Inquisition of Madrid gave a remarkable instance a few years ago.<sup>a</sup> Many persons were thrown into the Inquisition at Madrid, accused of being concealed Jews. Amongst these were Diego, and Anthony Diaz, and Don Damianus de Lucena. About the end of August 1688. Sentence was pronounced against them, by which all their effects were confiscated, and they themselves sent to Toledo, there to perform wholesome penance. These persons traded with Peter Poulle, a merchant of Amsterdam, who was neither a Jew nor a Spaniard, but a Christian, and a Dutchman, who had in his hands several of the effects of these Spaniards. The Inquisition, in order to possess themselves of those effects, which were not sub-

<sup>a</sup> Feb. 1687. †

ject to their power, discovered by private enquiry, that this Dutch merchant traded with several Spanish merchants, and that he had a great many effects in their hands, and therefore ordered them all to be seized by the receiver of the forfeited goods, till they had the value of those effects, which the Amsterdam merchant had in his custody; and gave this reason for the forcible seizure, that the imprisoned persons had a claim upon the estate of the Dutchman, and that their claim was devolved upon the Inquisition, and that therefore they had the same right as the prisoners themselves to attach the other effects, wherever they could be found in Spain: however, this endeavour was in vain, because no confiscation can be just, of such effects which are in the possession of another person, who lives out of the territories of the judge, and is not subject to his jurisdiction; and therefore the lords of the united provinces, at the information and request of the Amsterdam merchant, obtained that those effects should be restored to him.

This punishment of confiscation is inflicted upon all who are convict of heresy, or confess, whether they repent, or persist in their heresy, because they are declared to incur the punishment, *ipso jure*, as soon as they fall into heresy.

The next punishment that follows the confiscation of goods, is the disinheriting of children, who though they may be Catholics, can never inherit the estates of their fathers dying in heresy, unless a son accuses his father before the inquisitors of heresy, in which case, he is rewarded by a freedom from penalty.

The third punishment is, their being rendered infamous.\* There, amongst other things, it is said, “ Let him be *ipso jure*, infamous; let him not be admitted to any public offices, or counsels, nor to chuse any into them, or to bear witness; let him also be intestable, so that he can have no power to make a will, or to inherit by virtue of one. Farthermore, let no one be forced to answer him upon any affair, but let him be forced to answer others. If he should happen to be a judge, let his

\* Cap. Excommunicamus, 1, sect. Credentes. de hæret.

sentence be void, and no cause be referred to his hearing. If he be an advocate, let him not be admitted to plead. If a notary, let no instruments, drawn by him, be valid, but condemned with their condemned author. And in all like cases we command the same to be observed.

The fourth punishment is,<sup>a</sup> that they are deprived of all dominion, natural, civil, and that which is introduced by the law of nations. First, they are deprived of that natural power they have over their children.<sup>b</sup> Being thus deprived of the natural power of parents, they lose all authority over their children, who, becoming as it were strangers and foreigners from their fathers family, are under no obligation to obey them as before. 'This crime of heresy in the father, even before it is declared by the church, frees the son from his father's power.'<sup>c</sup>

Farther, they are deprived of that civil power which they have over their servants, and of that political power,<sup>d</sup> which they have over any others subject to them.<sup>e</sup> So that slaves, freed-men and servants are *ipso facto*, freed from servitude, and every instance of duty, the moment their master falls into heresy. In Spain, if the slaves are believers, or profess the Christian religion, when their master falls into heresy, they recover their freedom, according to the Seville Instruction, A. D. 1484.<sup>f</sup> "Our lords the king and queen, out of their goodness and clemency, will and ordain, that the servants of all heretics shall be made free, provided that if whilst they lived with them they were Christians." But if they had not professed the Christian religion, they are forfeited with the other effects. And though such slaves should have been made free by their masters, yet if it was after their becoming heretics, it is for that reason null and void.

Subjects, when the prince or magistrate is an heretic, are

<sup>a</sup> Direct. p. 3. Qu. 116. com. 165. Simanc. tit. 46. sect. 74.

<sup>b</sup> Cap. Quicumq. sect. ult. de hæret. l. 6.

<sup>c</sup> In Cap. Quicumq. sect. ult. verbo desierint, de hæret. l. 6.

<sup>d</sup> Direct. p. 3. Qu. 119. com. 168.

<sup>e</sup> Cap. ult. Extrav. de hæret.

<sup>f</sup> Cap. 24.



freed from their obedience. Thus it hath often happened, that kings pronounced heretics by the Pope, have, with all their posterity, been deprived of all their dignities, jurisdictions and rights, their subjects absolved from their oaths of allegiance and fidelity, and their dominions given as a prey to others.

And finally, they are deprived of that power, which is introduced by the law of nations, whereby they lose all property in every thing they have,<sup>a</sup> insomuch,<sup>b</sup> that every one is at once wholly freed from every obligation he can be under to persons fallen into manifest heresy.<sup>c</sup> “Let all know that they are freed from the debt of fidelity, dominion, and all service, to manifest heretics, how strong soever the obligations may be which they are under.” These things are thus inferred:<sup>d</sup> “First, if an heretic deposits any of his effects with any person, such person is not obliged to restore them to the heretic, after his heresy is manifest, but to the treasury. Farther, a Catholic wife is not obliged to any duty to her heretical husband, because by the husband’s heresy she is freed from her duty. In like manner a Catholic husband is freed from all duty to his wife, if she be an heretic. Nevertheless they cannot marry with others, because the band of matrimony is not dissolved.<sup>e</sup> An husband cannot be forced to cohabit with his wife if she is fallen into heresy, even though she is reconciled; nor is he bound to maintain her, because her dowry is confiscated by heresy; and as she is stripped of her dowry by her own fault, the husband is not obliged to maintain an undowered wife. Zanchinus Ugolinus explains this matter more largely.<sup>f</sup> The very children, brothers and sisters of heretics, ought to forsake them. Yea, the very band of matrimony with such is dissolved. For if any one departs from the orthodox faith, and falls into heresy, his wife is not obliged to cohabit with him, but may seek to be separated from him by the judgment of the church, such separation of the bed being

<sup>a</sup> Cap. cum secundum leges. de hæret. l. 6.

<sup>b</sup> Qu. 119. com. 168.

<sup>c</sup> Cap. absolutos. de hæret.

<sup>d</sup> Simanc. tit. 46, sect. 73.

<sup>e</sup> Royas, p. 2. Assert. 40. sect. 325.

<sup>f</sup> Ibid. c. 18, sect. 2.



as reasonable upon account of spiritual fornication, as for carnal. And if any heretic shall, after his fall, return to the unity of the church, the other married person shall be obliged to return to him, if they were not before parted by the sentence of the church. But if they were parted by sentence, it shall be at the option of the other party who continued in the faith, whether to return, or become religious; because such party cannot remain in the world, and take another during the life of the party converted, because made whole by penance.

“ Moreover,<sup>a</sup> the governors of forts and castles, of people or cities, are not obliged to restore them to their heretical lord, nor to keep them in his name. Finally, all vassals whatsoever are *ipso jure*, freed from every obligation to their lords, though such obligations shall have been confirmed by an oath.”

Hence proceeds the maxim, that faith is not to be kept with heretics, which some are not afraid openly to teach; although those who are more wise in Germany, France, and the Low Countries, endeavour to wipe off this spot from their church. But the Spaniards, though they cannot be daily charged with this perfidiousness, because they have none whom they call heretics living amongst them, yet assert it in plain and open words, without dissembling, and are not ashamed to defend and confirm it by the practice of the council of Constance.<sup>b</sup>

This then is one part of the punishment of heretics, and what tends to render them more odious, that faith is not to be kept with them.<sup>c</sup> For if it is not to be kept with tyrants, pirates, and other public robbers, because they kill the body, much less is it to be kept with obstinate heretics, who destroy the soul. And therefore certain heretics were most justly burnt by the grave decree of the council of Constance, though they had the promise of security. St. Thomas also is of opinion, that an intractable heretic is to be betrayed to his judges, notwithstanding a Catholic may have given his faith, and bound himself by an oath to the contrary.<sup>d</sup> Add to this,

<sup>a</sup> Simanc. c. 18, sect. 2.

<sup>b</sup> See amongst others, Simancas, Cathol. Instit. Tit. 46. sect. 52, 53, 54.

<sup>c</sup> Ibid. tit. 46. sect. 52.

<sup>d</sup> Ibid. sect. 53.

that the Catholics ought to have no commerce, nor enter into peace with heretics; and therefore notwithstanding the faith given to them, and confirmed by an oath, it is not to be kept, because against the public good, the salvation of souls, and contrary to the laws of God and man. But if faith be given to heretics by a prince, or any public power,<sup>a</sup> it is to be exactly preserved, excepting only in those things which the inspired or natural law forbids the performance of.

To the same purpose speaks Brunus, although many now endeavour to disguise this villany.<sup>b</sup> No peace can, at this day, be confirmed with heretics, who spread their impious doctrine amongst the Christian people by their wicked preaching, if made on this condition, that they must not be offended. Yea, so much the more to be abhorred and abominated is peace made with heretics and schismatics upon this condition, that such as offend them shall be condemned for breach of the peace. For how can peace be broken by offending them, with whom no Christian man ought to have communion, and whom they ought not to bid God speed? Such may safely be offended, who by the civil laws are put under the imperial bann, who are permitted to have no liberty of meeting or abiding on the Roman ground, or indeed in any place, wherein they may injure the very elements themselves, and finally, who by all laws human and divine, deserve to be extinguished.

The same person teaches,<sup>c</sup> that no covenants, conventions or laws are firm, that permit heretics to have or reform churches, or to possess or administer their revenues; or by which the processes of churches against heretics or schismatics, that are or may be moved in judgment, are wholly put off, or suspended for a time, or for ever; or finally, by which heretics or schismatics are permitted to exercise any jurisdiction or administration, either by themselves or with Catholics, or to enjoy any public offices.

Moreover, all places of refuge, which are open to malefactors and the worst of villains, are denied to heretics, as though they were the very offscouring of the earth, and had put off

<sup>a</sup> Simanc. tit. 46. sect. 54.

<sup>b</sup> Brunus, l. 3. c. 15. sect. 8.

<sup>c</sup> Ibid. c. 16, 17. 18.

the very human nature at the same time they did the Roman religion.

Finally, they teach, that heretical kings are to be deprived of their kingdoms for heresy.

The fifth punishment is imprisonment.<sup>a</sup> For although by the Civil law the prison is only to detain men, yet by the Canon law it may be used as a punishment.<sup>b</sup> So that an heretic either confessed or convict, may either be delivered to the secular court, or condemned to perpetual imprisonment. In which case the condemned person shall be punished at the option of the judge.

The sixth punishment is the bann and diffidation.<sup>c</sup> The bann is that sentence,<sup>d</sup> by which any person is cast out of the commonwealth, so that he cannot enjoy the public protection, or discharge any public offices, or receive any benefit of law, and hath some likeness with excommunication. For as by excommunication a person is cast out from the converse of the faithful, so by the bann he is excluded from the common good. Diffidation declares heretics to be enemies of their country and the empire.<sup>e</sup> Its effect is this: when any one is declared an heretic by the sentence of the judge, any man, by his own private authority, may seize, plunder and kill him, as an enemy or robber, even though he be a clergyman. He may be capitally punished as a deserter, and attacked with impunity wherever he is found. That heretics may thus be seized on, and plundered by the private authority of any man, Innocent IV. openly determined. And this plunder of heretics Brunus tells us is by divine right.<sup>f</sup> “Heretics, by divine right, may be stripped of all their effects, as unworthy their possessions. For the just shall devour the labours of the wicked; and therefore Catholics may claim the places of heretics. These things are permitted against heretics, because religion and the Christian faith is endangered by their impiety.”<sup>g</sup>

<sup>a</sup> Brunus, l. 5. c. 12.

<sup>b</sup> C. Quamvis de pœnis, lib. 6.

<sup>c</sup> Diffidare is properly to withdraw by letters or writing, that protection, which one owes to another, or hath promised him.

<sup>d</sup> Brunus, l. 5. c. 14.

<sup>e</sup> Direct. 3 part. com. 36.

<sup>f</sup> De hæret. l. 5. c. 5, sect. 2, 4, 7.

<sup>g</sup> Austin. Epist. 48.

But if heretics are apprehended, it is not lawful for any one to undertake their defence.<sup>a</sup> All advocates or notaries, who give assistance or favour to heretics or their abettors, or who plead for them when under examination, or draw any instruments for them, are pronounced infamous, and suspended from their office.<sup>b</sup>

The last punishment of heretics is that of death, and that not the common one, but the most terrible that can be inflicted; viz. to be burnt alive. This they infer from 2 Kings xxiii. where Ozias commanded the bones of the heretical priests to be burnt; and from the words of our Lord, John xv. 6.<sup>c</sup> “If a man abide not in me, he is cast forth as a branch, and is withered, and men gather them, and cast them into the fire, and they are burned.” Here Brunus observes, some think that this punishment was introduced only by custom, and can be proved by no other right, whether divine or human. This is his opinion, “For,” says he, “this punishment cannot be inferred from that passage of the gospel, of throwing the branch into the fire. For this speaks of the eternal fire of hell, and not of the temporary punishment of fire. Nor do the civil laws prove this punishment. For though they fix that punishment against heretics, which we call death, yet they do not express this kind of death, viz. the punishment of fire; which undoubtedly the lawgivers would have done, if they had determined to appoint it against heretics; especially as the punishment is so terrible, that they expressly mention it, whenever they think the heinousness of the crime deserves it; as may be made appear from other constitutions, where this punishment is particularly specified.” However, Ludovicus a Paramo finds out this punishment of fire in many places of the new testament.—“James and John thought that the Samaritans, who would not receive our Lord, should be destroyed with fire from heaven, according to St. Luke.<sup>d</sup> See here now the punishment of heretics, viz. fire. For the Samaritans were the heretics of those

<sup>a</sup> Cap. Si adversus nos terra consurgeret. de hæret.

<sup>b</sup> See cap. Excommunicamus, sect. Credentes. and cap. 2. sect. 1. de hæret. lib. 6.

<sup>c</sup> Pegna in Direct. l. 5. c. 13. sect. 14.

<sup>d</sup> Cap. 9.



times.<sup>a</sup> Christ adds three parables: one of the two sons, another of the vineyard let out to the husbandmen. The third of the nuptial feast prepared for those who were invited. By these he plainly shews, that the kingdom was to be taken away from the heretical Jews, and their city to be burnt with fire. See here now the very confiscation of effects, and fire with which heretics are punished.” Nor is this reasoning to be wondered at in a man, who every where in the old and new testament, and even in paradise itself, finds out an inquisition against heretics, and endeavours to prove, by many arguments, that God himself exercised the office of inquisitor of heretical pravity against Adam in paradise.<sup>b</sup> The first who ordained this punishment of burning heretics, after it had been some time in use in the church of Rome, was Frederick II. by a law, which begins, *Inconsutilem*,<sup>c</sup> which says, “By the tenor of this present law, we decree, that the paterenes, and all other heretics whatsoever, being condemned, shall suffer that death which they affect, and that being committed to the flames, they shall be burned alive in the view of all men.” This law many popes have confirmed, and therefore the punishment of fire hath been ordinarily inflicted upon impenitent heretics, as is the custom of the church of Rome to this day. Panormitanus says,<sup>d</sup> “That heretics ought to be punished with fire, and burnt, and that in this the divine, canon, civil, and common law agree.” Simancas also,<sup>e</sup> not only endeavours to prove by many arguments, that heretics ought to be burnt, because heathens and heretics thus punished the Catholics, as Eusebius, Ruffinus, Socrates, and others testify; but contends that it is the most ancient punishment, as appears from the acts of the council of Chalcedon; because the bishop of Alexandria is there reported to have said, if Eutiches pretends to be wiser in his opinions than the church, he is not only worthy of punishment,

<sup>a</sup> Mat. xxi. and xxii. Mark xii. and Luke xxii.

<sup>b</sup> Lib. i. tit. 2.

<sup>c</sup> Sect. 4.

<sup>d</sup> In cap. ad Abolendam. de hæret. lib. 6. super gloss. in verb Audentia, allegans Hostiensem post Joan. Andr.

<sup>e</sup> Cathol. Institut. tit. 46. sect. 47. and seq.

but to be burnt; and because, as Nicephorus<sup>a</sup> relates, they ordered Anatolius, the heretic, to be burnt alive.

Simancas also infers this punishment, from a certain law of Theodosius,<sup>b</sup> saying, that Theodosius published a constitution, in which are these things: "Farthermore we command, that whosoever shall bring over a servant or freeman unwillingly, or by persuasion, to the wicked sect, or ceremony from the Christian worship, shall lose both his fortune and his head." And a little after, "Let him farther know, that his goods shall be forfeited, and afterwards he himself put to death, who shall pervert any one from the faith by false doctrine."—Simanca adds, "A law truly worthy of a Spanish emperor."<sup>c</sup>

So that heretics must be punished with fire,<sup>d</sup> and if that cannot be done, they must at least be banished and expelled, and their effects forfeited, agreeable to the laws of the old Gothic kings in Spain, by which the goods of heretics were confiscated, and they themselves deprived of honour and dignities, and banished for ever.

With this punishment of fire only heretics relapsed, obstinate, and impenitent, are punished, who, after sentence, are delivered over to the secular judge, who was bound immediately to condemn them, and send them to the fire. The obstinate were to be burnt alive; others to be first strangled, and then burnt.<sup>e</sup>

Sometimes this punishment of burning is heightened by another kind of cruelty. In Spain and the Netherlands, lest they should speak to the spectators when brought to the stake, and piously testify their constancy, they were gagged<sup>f</sup> with an iron

<sup>a</sup> Eccles. Hist. book 18, chap. 4.

<sup>b</sup> De Cathol. Instit. tit. 46. sect. 48.

<sup>c</sup> Vide Cod. Theodos. tit. de Judæis L. prima. and lib. 16. tit. 6. l. 55.

<sup>d</sup> De Cathol. Instit. sect. 53.

<sup>e</sup> 5 Instruct. Hispal. cap 9. Simanc. Ibid. sect. 49.

<sup>f</sup> "How many instances have occurred in Portugal, of men being seized at night, and taken, with the greatest precaution and secrecy, to the prisons of the holy office, where their property, at the same time, became the prey of the Inquisition. Some years afterwards, these individuals, whom no one ever suspected, appear at an *Auto da fe*, with a gag in their mouths, that they may not have the power of uttering their wrongs. On these occasions,

instrument, so that in the midst of their torments they could utter only an inarticulate sound. Thus also Simancas pronounces,<sup>a</sup> “ That obstinate heretics should be burnt alive, and be brought to the stake gagged, that they may not offend the little ones.” This muzzle, or gag, the Spaniards in their language call *Mordaza*. And if they could invent any thing more terrible, they would not fail to use it against heretics.— This *Carena* testifies,<sup>c</sup> affirming that the custom of punishing heretics with fire is most reasonable, “ because burning is the most terrible death, and therefore the most grievous of all crimes ought to be punished with it ; so that if any punishment more terrible than this could be found out, it ought to be inflicted on heretics ; and also because by this means the heretic and his crime is more speedily blotted out from the remembrance of mankind.”

Thus we see that there is no kind of punishment that can possibly be invented, but is enacted against heretics, and that greater gentleness is used towards thieves, traitors, and rebels, those enemies of mankind, than towards miserable heretics, who, endeavouring to worship God with a pure conscience, and regulate their lives by the gospel rule, yet oppose some doctrines of the church of Rome, which they are persuaded are contrary to the gospel ; and that it is a much more grievous offence in that church, to oppose certain opinions by the clear light of the word of God, and to reject certain pharisaical superstitions, than openly to condemn the divine commands by an impious and profane life, and vilely to dishonour the most holy name of God.

a priest ascends the pulpit, and thunders out against these wretched beings a catalogue of their crimes. When this mockery is finished, the victims are led to perish in the flames, without being permitted to utter even a groan ! whilst the Inquisition would fain persuade us that these horrors are the acts of justice !

Da Costa's Narr. V. i. p. 121.

<sup>a</sup> Tit. 48. sect. 6.

<sup>b</sup> Tit. 13. sect. 1. num. 7.

## CHAP. III.

*Of Open and Secret HERETICS.*

HERETICS are divided into several classes in the church of Rome, and this is very necessary for the instruction of the inquisitors, that they may always certainly know what sentence to pronounce upon each. However, every thing is not so fully determined, but that there yet remain great controversies among the doctors and inquisitors themselves, so that one of them often judges more favourably than another; and, therefore, it is of great concern by what inquisitor any person is to be judged; for he who happens to be condemned as an heretic by a severe one, might have obtained a milder sentence, had he been tried by a judge of more favourable sentiments and opinions.

First of all, heretics are divided into open and secret.<sup>a</sup>—“An open heretic is one, who publicly avows something contrary to the Catholic faith, or who professes an heretical error contrary to the faith, or who defends an error of his own, or one of other heretics, or who is convicted before the judges of the faith, of heretical pravity, or confesses it himself; or finally, who is condemned for it by their sentence.

“A secret or concealed heretic, is one who errs in his mind concerning the faith, and purposes to be obstinate in his will, but yet hath not shewn it outwardly by word or deed.<sup>b</sup> He who is a concealed heretic in this sense, is generally called an heretic purely intellectual; and the common opinion of the doctors is, that such a one doth not incur the sentence of excommunication, and is not subject to the judgment of the church for his heresy, because the church hath no power over purely internal acts, and cannot, by its jurisdiction, direct, prohibit, or punish them; and because excommunication doth not belong to the court of conscience, but to that of external judgment.”

<sup>a</sup> Eymer. p. 2. qu. 33.

<sup>b</sup> Simanc. tit. 52. sect. 3.



Although an heretic be thus concealed, yet if he infects or perverts others,<sup>a</sup> he is immediately to be discovered to his judges without any preceding admonition. But yet they do not affirm that a concealed heretic is obliged to betray himself, when he is asked by the judge in a general inquisition, whether he knows any heretic. In like manner, when an heretic purely mental, confesses his intellectual heresy in the sacred court of penance, he doth not incur excommunication by this external act, because such an action is good and pious, and not liable to human judgment.<sup>b</sup>



#### CHAP. IV.

##### *Of Affirmative and Negative HERETICS.*

HERETICS are farther distinguished into affirmative and negative.<sup>c</sup> Affirmative are such, who err in their mind in matters of faith, and who shew by word or deed, that they are thus obstinate in their will, and openly confess it before the inquisitor. Negative heretics are those, who, according to the laws of the inquisition, are rightly and justly convicted of some heresy before a judge of the faith, by some lawful witnesses, whom either they cannot, or will not, refute, but yet who will not confess, constantly persisting in the negative, and that they profess the Catholic faith, and detest heretical pravity. They except indeed against facts committed many years before, which are presumed to be forgotten. But even this is not to be presumed in facts of importance and weight, according to the Seville instruction.<sup>d</sup> Such are, if any hath wilfully preached up heretical propositions, or broken the images of the saints.—Neither is this to be understood of persons of good memories, but only of light facts, and of persons naturally dull and forgetful. Who are to be esteemed such, and what time is to be

<sup>a</sup> Simanc. tit. 52. sect. 12.

<sup>b</sup> Ibid. sect. 9.

<sup>c</sup> Eymer. part. 2. q. 34.

<sup>d</sup> A. 1484, cap. 13.

supposed sufficient to such forgetfulness, is entirely left to the ecclesiastical judges, after they have weighed the circumstances of persons and things.

He also is esteemed by many a negative heretic, and, as it were, diminute, confessed, and obstinate, who doth not discover either all the heresies of which he is convicted, or the whole time of his offence, or all his accomplices, if the things are so fresh, as that he cannot be supposed to have forgotten them.—Amongst these sort of negatives are also reckoned by some, such who confess before the inquisitor heretical facts or words, but who deny any pravity of intention, although others, as we shall soon see, call them impenitent.

What their punishment ought to be, the doctors differ. Simancas says,<sup>a</sup> that he who confesses heretical words, but denies the pravity of intention, may be condemned as impenitent, except the matter be doubtful. In such case he ought to be purged, or abjure, because of his being suspected, or put to the torture, which is generally the custom.

But because this case often happens in Spain, because of their new converts from the Jews and Moors, John Royas handles this matter largely,<sup>b</sup> of which I shall here give you the substance; from whence we shall know what sort of Christians they are, which the Spanish kings have converted to their church by the fear of punishment from amongst the Jews and Moors.

We know by experience,<sup>c</sup> how many there are who are detained for heretical pravity in the prisons of the office of the holy Inquisition, who ingenuously confess heretical deeds and words, but who absolutely deny all rash belief, and pravity of intention.<sup>d</sup> Thus a man may confess that he hath said, as often happens in examining causes of faith, that every one may be saved in his own sect and opinion, a Jew by the Jewish law, a Saracen by the Mahometan, and a Lutheran in the Lutheran sect.<sup>e</sup> For the guilty person sometimes confesses in his discourse, that he pronounced the aforesaid words inadvertently,

<sup>a</sup> Cathol. Instit. tit. 6, sect. 19.

<sup>b</sup> De hæret. part. 1.

<sup>c</sup> Ibid. n. 1, &c.

<sup>d</sup> Ibid. n. 3.

<sup>e</sup> Ibid. n. 4.

and through the error of his tongue, and being asked by the inquisitors of heretical pravity, Whether he believes such things, he says he never did, but that he ever held what the holy Roman church preaches and teaches.<sup>a</sup> Thus he denies the intention, and only confesses the words, which without doubt are heretical. Another instance is of one who confesses that he said simple fornication is not a mortal sin, and yet denies all as a belief and error of understanding, asserting that, speaking for wantonness sake, he pronounced the aforesaid words to some wenches, which are in reality heretical words.

An instance of an heretical fact shall be in him, who being baptized, is afterwards circumcised, and observes the fast called Ramadan, and the passover, after the Mahometan manner,<sup>b</sup> and makes the Zalab, i. e. his adoration or prayer in his own home or in the mosques, washing first his body, bending his knees, bowing down, and lifting up his head, and who feeds on flesh killed from the Keblah.<sup>c</sup> The new converts in the kingdoms of Valencia, Aragon, and Granada, publicly observe many other sacrilegious and impious rites.<sup>d</sup> Another example is of him, who, especially if he be of the Jewish race, observes the sabbath by refraining from all labour, and observes the other festivals of the Jews,<sup>e</sup> and who confesses such facts and words, but affirms that he said or did them inadvertently and ignorantly, and that he is ready to submit to the correction of the church. It is queried, whether such a one is to be accounted an heretic, even though not convicted by lawful witnesses.

On the negative side it is urged,<sup>f</sup> that heresy supposes an error in the understanding, and obstinacy in the will in adhering to those things which are contrary to the determination of the church.<sup>g</sup> Hence they infer that that of Innocent is reasonable

<sup>a</sup> De hæret. part. 1. n. 7.

<sup>b</sup> Ibid. n. 10.

<sup>c</sup> The Mahometans call that part of the world, where Mecca is situated, by the name of Kebla, towards which they are obliged to turn themselves when they say their prayers. Mecca is situated towards the South.

<sup>d</sup> De hæret. part. 1. n. 15.

<sup>e</sup> Ibid. n. 23.

<sup>f</sup> Ibid. n. 10.

<sup>g</sup> Ibid. n. 64.

and true, who said,<sup>a</sup> that if any one believes what the church believes, but through the influence of natural reason falsely supposes that the father is either greater than the son, or before him, or that the three persons are three things distinct from each other, he is not an heretic, and doth not offend, because he believes this is the churches belief, and supposes his own opinion to be the faith of the church.<sup>b</sup> Therefore he thinks it is but reasonable, that in the defences of the criminals, regard ought to be had to their simplicity and imprudence, so that the punishment may be mitigated, and that the judges, especially the inquisitors of heretical pravity, according to their office, should be very solicitous and diligent in examining and searching into their defences, because of the partial and maimed defence of the criminals, though the party doth not seek it, or even refuse it.<sup>c</sup> But he adds, that it is antiently decided by the Rota 875,<sup>d</sup> that if any one be accused of heresy, and legally convicted by witnesses or otherwise, and yet denies that he said or believed such heretical things, yet that he ought nevertheless to be condemned as a negative and impenitent heretic, and delivered over to the secular arm, although he asserts that he believes, and hath believed as the church believes.

However, the doctors generally maintain the affirmative,<sup>e</sup> because the nature of facts demonstrate the intention, mind and will of the doers. For instance, if any one should do a properly Jewish action,<sup>f</sup> such as observing the sabbath, and other Jewish rites, from thence is inferred the intention and will of judaising. If the intention doth not appear, in a doubtful case, it is presumed that this was done with the intention of judaising, when the act or commission is certain, either from the person's confession, or by witnesses, and especially if the person be suspected. He therefore who confesses an heretical action, and denies the intention, which is the quality affecting

<sup>a</sup> Cap. Firmiter de summa Triu. &c n 6.

<sup>b</sup> Ibid. n. 66, 67.

<sup>c</sup> Ibid. sect. 69.

<sup>d</sup> In C. Accusatus de heresi, in tit. de hæret.

<sup>e</sup> Ibid. sect. 276.

<sup>f</sup> Ibid sect. 284.



such an action to make it punishable or not, may possibly be condemned as a negative heretic; at least may be tortured to discover his intention, as the doctors are generally of opinion, and as is the usual practice. But if the fact be plainly heretical, such as a person's going over, or returning to the Jewish or Pagan rites, it is sufficient to his being condemned as an heretic, that he be convicted of the fact, although there be no certainty as to his belief.<sup>a</sup> They also make a difference between an heretical word and fact, and Royas gives the reason of this difference. There is this difference between one who confesses an heretical fact, and one who confesses an heretical word, and denies the evil intention; that he who confesses the fact is to be delivered over especially if he be a suspected person, and the fact hath been repeated; whereas he who confesses an heretical word, is to be tortured to discover his intention. The reason of the difference is, because there is a greater affection of the soul, and deliberation of the mind in facts than in words.<sup>b</sup> To this they add, that there are other sins, such as covetousness, intemperance, lust, &c. to which men are naturally prone. Others to which nature doth not lead men, yea rather to which the appetite and pleasure of men is repugnant; such as, in the time of a fast not to eat till night, or pray, or not to eat swines flesh, not to drink wine, or to observe the evil ceremonies of the Mahometans or Jews. As to the former, men are carried into them by their own wills. As to the latter, the will is undoubtedly governed in its choice by the understanding, and therefore it may be concluded that they proceed from an evil intention and belief.<sup>c</sup> So that if several witnesses depose in general, that such a one hath a good reputation, their testimony deserves no credit to prove such a one to be a Catholic, if he be convicted by two witnesses, to have particularly said or done something repugnant to the Catholic faith.<sup>d</sup> This is the case when the action is forbidden. But if it be of an indifferent nature, which may be either good or evil, they say there ought to be no presumption of a crime, but that the ambiguous deeds or

<sup>a</sup> Cap. Firmiter de summa Trin, &c. part. 2, sect. 400.

<sup>b</sup> Ibid. sect. 317.

<sup>c</sup> Ibid. sect. 346.

<sup>d</sup> Ibid. sect. 358.

words ought to be interpreted on the more charitable side.<sup>a</sup> If, for instance, any one says, the Lutherans are more noble, i. e. in the Catholic sense, the peers and nobles in France are Lutherans more than the common people, it is not heretical. If it be understood of the nobility of their virtues and morals, it is suspicious; if of the nobility of religion, it is heretical.<sup>b</sup> But this they say must only be understood as to the full proof of an offence, and not as to any presumption for which a person may be tortured, especially if he be suspected. For in a doubtful case heresy is to be presumed, and if the proofs appear too plain, he is to be put to the torture (because the salvation of his soul is concerned) that he may confess under torture, and be reconciled, and receive his penance, that if he be capable of correction his spirit may be saved, according to St. Paul.<sup>c</sup> Farther, it is usual in this office of the Inquisition, that in expounding the words of any proposition, the nature and condition of the speakers be attended to; particularly whether the words were spoken by a countryman, of poor capacity, in a blundering way, and without deceit and evil belief; or by a learned person, of an acute understanding, and in a subtle manner; for then they are to be understood to be deceitful. All these things are to be considered by the qualificator divines, whom the inquisitors call and consult, and to whose opinions the inquisitors ought wholly to assent.<sup>d</sup> Finally, they affirm, that if the mind and intention is not to be proved by the external actions, it can never be proved, and so the crime of heresy can never be punished. From hence Royas concludes, that he who confesses an heretical action or word, but denies the wicked intention, denies that which is the principal form and substance, and is therefore to be delivered over as a diminute, impenitent and negative heretic.<sup>e</sup> The same is to be affirmed of him, who being fully convict of several errors, confesses some, but denies others; because he is deficient in a substantial part. It is not so with one who confesses all his

<sup>a</sup> Cap. Firmiter de summa Trin, &c. part. 2, sect. 366.

<sup>b</sup> Ibid. sect. 378.

<sup>c</sup> Ibid. sect. 378.

<sup>d</sup> Ibid. sections 384, 577, 590.

<sup>e</sup> Ibid. sect. 595.

errors, though not the several times which are provided by legal witnesses.

From this long account, of which this is only the summary, one may infer, that it is the common opinion of the Spanish doctors, that such who confess an heretical word or action, but deny the intention, are to be put to the torture to make them confess such intention; but that such who confesses an heretical deed, and deny the intention, are to be sent back again as negative heretics, and delivered over to the secular court. Yea, as to doubtful words, it is to be presumed there is heresy; not so indeed as to be full proof, but so far as to be a just reason for the torture.

Royas<sup>a</sup> affirms the same of such who retract the confession they have made when under examination. “He who confesses his heretical errors when under prosecution, and afterwards retracts his confession, is to be delivered over as a negative, unless the mistake plainly appears. For by confession the office is fully proved, and by retracting it, the guilty person becomes obstinate, impenitent and negative. And therefore unless the mistake appears, he is to be delivered over even though there be no other proof of the crime, and although his confession was made and confirmed under torture. For this is the same thing as a free and spontaneous confession, although afterwards revoked, if the mistake doth not plainly appear.”



## CHAP. V.

### *Of HERETICS Impenitent and Penitent.*

OTHER heretics are called obstinate, or impenitent, others penitent.<sup>b</sup> An impenitent one is he, who being legally convicted of heresy before a judge of the faith, or having confessed it, will not obey his judge, when he commands him to forsake his

<sup>a</sup> Part. 2. Assert. 25.

<sup>b</sup> Eymer. part. 2. q. 40.

error and abjure it, and give competent satisfaction, but obstinately perseveres in such error.

Obstinate heretics, according to Simancas, are to be burnt alive, and delivered over to the fire with their mouths gagged, and their tongues tied, that they may not offend the little ones. For in this, says Carena,<sup>a</sup> it is the only kind of piety, to be cruel, whilst he is impenitent.

“An impenitent heretic is one, who will not repent of his error, as to which every impenitent person is also obstinate. So that if his heresy be plainly proved, and he will not confess his error with a pure heart, nor readily abjure his heresy, and submit to the penance enjoined him, he is to be left to the secular judge as obstinate and impenitent, although he protests a thousand times over that he was and is a Catholic, and is resolved to live and die in the Christian faith.<sup>b</sup> So that the impenitent is the same that others call negative; and if such a one be convicted to have said or written any heresy, it signifies nothing, though it be proved that he was a Catholic before, or after, and every time else, unless he will return to the church, and submit to his penance.”

But Simancas gives a different account, viz. that a person may always retract his confession before the tribunal of the inquisition, and that his last confession only is to stand, from whence it is to be concluded, whether he be a penitent or impenitent heretic. If he persists in his confession, and submits himself to the church, he is penitent. If he retracts his confession, he is accounted and punished as an impenitent. His words are plain.<sup>c</sup> “In the process of the holy inquisition, the guilty person may retract his confession when and how he pleases; and although he gives no probable or sufficient reason, his retraction is to be admitted; and his last confession is to stand, whether it be for or against him; for by this it is to be determined, whether the criminal be penitent or impenitent. And this is the course of the law.”

If it should happen that any one should confess through fear of punishment, yet he must not assert his innocence, upon pain

<sup>a</sup> P. 3. t. 14. sect. 13. q. 92.

<sup>b</sup> Ibid. sect. 27.

<sup>c</sup> Ibid. tit. 13. sect. 14.



of being again delivered to the inquisition, and punished as impenitent.

In the meanwhile, that they may not appear to be the defenders of any unjust sentence, they allow innocent persons, who, wearied with imprisonment, and through fear of death, have confessed crimes they never committed, to have their cause reheard before the inquisitors, but with such a limitation, as is enough to deter the most innocent person in the world, which Simancas thus describes to us.<sup>a</sup> “An innocent person, who, through fear of witnesses, and wearied out with imprisonment, confesses he hath been an heretic, if he can prove his innocence, ought not to neglect his reputation, but to have the cause heard over again by the inquisitors. But if he cannot refute the witnesses nor justly retract his confession, he ought to confess that sin to his parish priest, and do nothing more, lest something worse should happen to him;” i. e. lest he should be dismissed as an impenitent, and delivered over to the secular court.

Besides these, there is another kind of impenitents, viz. such who have professed their heresy, but do not observe the penance enjoined by the inquisitor. Such are thought to be but feigned converts, and therefore impenitent. Thus Simancas.<sup>b</sup> “Those who do not satisfy the penance enjoined them, ought to be punished as impenitent, perjured, and feigned converts. They are impenitent, because they do not perform penance; perjured, because they violate the oath, by which they promised they would obey the commands of the church; feigned converts, because they neither perform true penance, nor remain in due obedience to the church.” Friar Bernard Comensis, in his light of the inquisition, calls these impenitent. But Pegna<sup>c</sup> says, there is need of mature deliberation, and manifold distinctions in this matter.

However, Simancas doth not rank them with other impenitents, because he adds,<sup>d</sup> “That such impenitents are not immediately to be left to the secular court, but they must be dealt with by law till the pronouncing the definitive sentence. Nei-

<sup>a</sup> Simanc. de hæret. tit. 13. sect. 27, 28.

<sup>b</sup> Ibid. 48. sect. 29.

<sup>c</sup> In voc. Impœnitens. n. 3.

<sup>d</sup> Ibid. sect. 32.

ther are they to be rooted up out of the Catholic church, till they have been once and again, and several times admonished about the salvation of their souls, by learned, pious, and religious men.”

Penitents are those, who, admonished by the ecclesiastical judge, abjure their error, and give suitable satisfaction at the pleasure of the bishop and inquisitor.<sup>a</sup> Of these there are two sorts: some come of their own accord, or within the time of grace, without being cited, or called by name, or having any particular inquisition made after them; whereas others return after being apprehended, cited, and inquisited, and oftentimes after many admonitions. The first are treated with greater mildness, and are sometimes enjoined a secret penance, but must however abjure their errors, and be bound under the forfeiture of all their effects to the inquisition, to accomplish the penance enjoined them.

## CHAP. VI.

### *Of Arch HERETICS.*

AMONGST heretics there are some arch heretics, such who have invented heresies, or taught them others when invented, and so become themselves the masters of error.<sup>b</sup> These are usually called Dogmatists or Dogmatisers, and antiently perfect heretics. If such as these will be converted, the council of Biterre hath thus determined concerning them.<sup>c</sup> “Let perfect heretics, or convicted ones, be secretly examined before certain discreet and faithful men, persuading them, according to their duty, to conversion, and to such as are willing to turn approve themselves favourable and kind, because by such much light will be spread, and great advantage will accrue; and mitigate their penances according to the nature of their conversion and

<sup>a</sup> Eymer. p. 2. q. 40.

<sup>b</sup> Direct. part. 2. qu. 39, 40.

<sup>c</sup> Cap. 16.

merit, or shew them regard, as you shall think proper and convenient." Thus also the council of Tarracon: "But let perfect heretics, and dogmatisers, if they will be converted, after absolution and abjuration, be shut up in perpetual imprisonment." Hence in the sentence of Peter Auterius,<sup>a</sup> a doctor of the Albigenes, we read: "Saving, however, and retaining, that if thou wilt turn from this sect and heresy, and be converted, and return to the ecclesiastical unity, thy life shall be saved: reserving however to ourselves full and free power of enjoining thee a punishment and wholesome penance, for the things thou hast done in thy former sect and heresy."

However, the doctors now think, that considering the most miserable condition of these times, in which heretics dare every thing that is impious, all arch heretics are to be delivered over, without mercy, to the secular court, because, as Simancas says,<sup>b</sup> "They deserve to die not one death only, but many;" and therefore he is for punishing them "not as other heretics, but with severer punishments, without any compassion." He farther says, "That the masters of the Lutheran heresy are by no means to be spared; as being tainted with many vices and crimes, viz. enemies to the church, haters of the saints, violaters of the divine law, sacrilegious persons, corrupters of good works, and therefore of all good manners, and subverters of nations. And therefore," he adds, "they must not be forgiven, who commit such wicked, abominable, and heinous crimes."

## CHAP. VII.

### *Of the Believers of HERETICS and of SCHISMATICS.*

FURTHERMORE, there are some who are believers, others who are receivers, some defenders, and others favourers of heretics.<sup>c</sup> The believers of heretics are, some of them, they who

<sup>a</sup> Lib. Sent. Inquis. Tholos. fol. 40.

<sup>b</sup> Tit. 47. sect. 54, 71, 63.

<sup>c</sup> Direct. p. 2. q. 50.

believe their errors and heresies. Such are excommunicate. Others are judged to believe the errors of heretics, from their words or actions. By their words, viz. by their own confession, when they say they believe such an one's errors. Or by the evidence of the fact, viz. by publicly preaching or defending their errors. Or by legally producing witnesses, by whom they are convicted of divulging such errors.

By the council of Narbonne many rules were given for discovering believers in heresy: as to give reverence to heretics, to receive the communion from them, or to seek among them consolation at the time of death.

The Waldenses also were to be known by their refusing an oath. Thus we read, "If any of them through a damnable obstinacy refuse the solemnity of an oath, and will not swear from this alone, they are to be accounted heretics."<sup>a</sup>

Schismatics are thus described by Simanca, "Schismatics are either consummate heretics, or near akin to heretics. Such as depart from the unity of the church, and believe that there may be salvation and true sacraments without the true church, differ but little from heretics; but others are without blame, who err through probable or insuperable ignorance.

The punishments of Schismatics are privation of ecclesiastical power, excommunication, incapacity for all offices for the future, and finally death.<sup>b</sup> And the doctors observe, that when schismatics are impenitent, the secular judges may in such case punish them, if clergymen, without degrading them. They add, that all lords and magistrates, as well ecclesiastical as secular,<sup>c</sup> who fall into or raise schism, ought to be punished likewise with death: according to the bull of Paul IV. beginning, "Cum ex Apostolatus officio," in which the pope commands that all such schismatics shall be punished, even for the first offence, as the very relapsed themselves.<sup>d</sup> But if they repent, the inquisitors, after a formal abjuration of their schism, and their suspicion of heresy, according to the degrees of it, usually

<sup>a</sup> Cap. Excom. it 17. extra de hæret. sect. Adiccimus.

<sup>b</sup> Carena, p. 2. t. 3. sect. 12.

<sup>c</sup> Ibid. n. 49.

<sup>d</sup> Ibid. sect 13.



punish them with other punishments at pleasure; either by fines, banishment, imprisonment, confinement, gallies, and death, according to the nature and aggravation of their fault.



## CHAP. VIII.

### *Of the Receivers and Defenders of HERETICS.*

THE council of Tarracon hath determined those to be receivers of heretics, who have twice, or more, knowingly received heretics in their house, or any other place.<sup>a</sup> A receptacle is an house or lodging, where heretics have met together twice or more to preach or read, or where they have frequently lodged. But such offend more grievously who know their errors, and that the church doth persecute them, and nevertheless receive and conceal them from the hands of the church, even though they have done this but once; and by this reception they render themselves suspected of heresy, more or less, according to the difference of circumstances. And therefore, as suspected persons, they are obliged to abjure. Their punishment is excommunication, and if after this they persist in their crime, they are put under the bann, banished for ever, and suffer confiscation of all their goods. But if any one receives an heretical relation, his crime is less, and he is more gently punished. And in this they consider the degrees of kindred, that such who are nearest akin to the received heretic, may be more gently dealt with than those who are farther off.

The defenders of heretics, according to the definition of the council of Tarracon,<sup>b</sup> are such as knowingly defend heretics by word or deed, or any method in their own lands, or any where else, whereby the church is prevented from executing its office in the extirpation of heretical pravity. Now there are different ways of defending. An heretic may be defended with

<sup>a</sup> Direct. p. 2 qu 51.

<sup>b</sup> Ibid. qu. 52.

arms, or without them, or by giving him notice for his escape. He may also be defended when under trial, or when he is not. They may also be said to be defenders of heretics by consequence, who hinder in any manner the office of the inquisition.



## CHAP. IX.

### *Of the Favourers of HERETICS.*

THE favourers of heretics,<sup>a</sup> as the name shews, are those who shew favour to heretics, and are in all things equal to the defenders of them. They are either magistrates or private persons, and they may all favour heretics by omission or negligence, by deed or assistance, and finally, by counsel or words. The magistrate's office is to extirpate heretics, and expel them from his kingdoms and dominions, and to give all counsel and favour to the inquisitors of heretical pravity, for the punishing and restraining of heretics, and the suppression of all rising heresies, because the inquisitors, without the magistrate's help, are weak, and cannot drive away heretics; and therefore they must bend all their endeavours to this, that the wickedness of heretics may not increase under their government, and the security and religion of the Catholics be not diminished or disturbed. The favourers, therefore, of heretics are first, such as omit to do those things concerning heretics, or persons suspected and defamed for heresy, or those who believe, receive, defend, and favour them, which they are obliged to do by office, when required to do it by the inquisitors or bishops, or one of them, viz. if they do not take them up, keep them in safe custody, send them to the appointed place, or if they do not readily punish them, when condemned and delivered over to them.

Private persons are said to be favourers of heretics, when out of their own rashness, they free from prison heretics, or

<sup>a</sup> Direct. part. 2. qu. 53.

persons apprehended for heresy, or give any assistance, council, or favour towards their deliverance, or so accompany them, when freed, as not to seize them; or resist those who would apprehend them, or presume directly or indirectly to hinder process judgment, or sentence, in a cause of faith, or give council, assistance, or favour, to such hindrance. Private persons indeed are not said to be favourers of heretics by mere omission, viz. for not apprehending, or not taking them into custody, as not being obliged to it. Nevertheless they will be favourers, if they shall omit to discover and apprehend them, when obliged to it by office: such, for instance, are the cross-bearers, who in Spain are called Familiars; or if when called on by the magistrate, to assist in apprehending heretics, they refuse to do it without reason, and when they have nothing to prevent them.

Lastly, both magistrates and private persons may be said to be favourers of heretics, by omitting to discover them, because all persons are obliged under pain of excommunication, to discover all heretics, even concealed ones, to the bishops and inquisitors, and, if it be necessary, to accuse them. So Gregory IX. ordained in one of his extravagants against the Patarenes, beginning *Excommunicamus*, inserted amongst the apostolical letters for the office of the inquisition. “Likewise if any person knows any heretics, or such who hold private conventicles, or who differ in their life and manners from the conversation of the faithful, let him endeavour to discover them to his confessor, or some one else, who he believes may give notice to the prelate, otherwise let him be excommunicated.” And this obligation of informing against heretics is so strict, that it takes place notwithstanding any oath, covenant, or promise to the contrary. But if the wife only should happen to know that her husband eats flesh on forbidden days, and knows him to be so furious, as that probably he would murder or abuse her, if she informed against him, some think her fear may excuse her from the suspicion of heresy.

Friar Ivonetus describes the marks and signs, by which persons may be known to be favourers of heretics. There is extant a volume of his, the fragment of which is in a parch-

ment book of the Vatican library, intitled, “How the favourers of heretics may be discovered.” And he there reckons up five signs in these words:—“The favourers of heretics may easily be known by these five very probable marks. First, whoever privately visit them, whilst in custody, and whisper with them, and gives them victuals, are suspected of being their disciples and favourers. Secondly, whoever greatly lament their apprehension or death, seem to have been their spiritual friends whilst they lived; for it is scarce credible that any person can be a long while intimate with an heretic, and not know his secrets. Thirdly, such who complain they are unjustly condemned, after they have been openly convicted, or have confessed their heresy, it appears that they approve their sect, and think the church hath erred in condemning them. Fourthly, such who look with a bitter countenance upon those who persecute heretics, or preach vigorously against heresy; for he who diligently observes, may see by their eyes, and nose, and aspect, that they do not look with a favourable countenance, and are therefore greatly to be suspected, that they hate those against whom their heart appears to be so bitter, as their countenance betrays, and love those for whose destruction they so much grieve. Fifthly, if any are found to have by stealth gathered together in the night the bones of heretics burnt, as reliques, it is not to be doubted but that they reverence them as saints, whose bones they lay up as a kind of sanctuary, and are therefore equally heretics with them. Because no one accounts an heretic for a saint, but he who believes his sect to be holy, and is equally an heretic with him. These things give great presumption of heresy against him, although it be not sufficient proof to condemn him, unless there concur other arguments, by which it manifestly appears they did the aforesaid things in favour of heresy.”

The favourers of heresy are *ipso jure*, excommunicated.<sup>a</sup> If they are mere favourers, but not publicly excommunicated, they do not incur any other penalties. But if they are publicly de-

<sup>a</sup> C. Excommunicamus. sect. Credentes. ibid. de hæret.



clared excommunicate, and do not give satisfaction within a year, they incur other penalties.



## CHAP. X.

### *Of the Hinderers of the Office of the INQUISITION.*

THE hinderers of the office of the inquisition come nearest to the favourers of heretics, and are usually reckoned amongst them.

That this office may be vigorously exercised, and that no heretics may escape the rigour of it, all are strictly commanded, of whatsoever dignity or condition, especially archbishops, bishops, and other prelates, to favour the business of the inquisition, and yield all countenance and help to the inquisitors.<sup>a</sup>

Persons are said to hinder the office of the inquisition,<sup>b</sup> either directly or indirectly. Directly, such who deliver from prison, by their own rashness, persons taken up for the crime of heresy, or who destroy the processes of the inquisition, or who wound the witnesses in a cause of faith for their testimony. Or if a temporal lord ordains, that no one ought to take cognizance of the crime of heresy but himself, and that no one shall be ac-

<sup>a</sup> Thus Alexander IV. in his bull, beginning, *Orthodoxæ fidei Christianæ*, commands all archbishops, bishops, and other prelates. "Since therefore there are certain predicant friars appointed by the apostolic see, inquisitors against heretics in the aforesaid provinces, that they may carry on the business of the faith, with a fervent mind, and constant heart, through many tribulations and persecutions, we admonish and exhort all of you in our Lord Jesus Christ, strictly commanding you by these apostolical writings, in virtue of your obedience, and enjoining you, that you favourably assist these inquisitors in carrying on the said affair; and that laying aside the fear of man, you effectually give them your counsel and help: knowing that those who hitherto have done, and shall do these things, shall always obtain the special favour of the apostolic see, and find us favourable and kind in all their occasions. But as for those whom we shall know to be contemners, besides the divine judgment that hangs over them, they shall not escape the ecclesiastical vengeance."

cused, or give testimony but before himself. As also such, who use only threatnings and terrifying words;<sup>a</sup> and who directly hinder process, judgment, and sentence in a cause of faith, or give counsel, help, and favour in doing thus.

They are said indirectly to obstruct, who use any insinuation or other means, from whence consequentially any impediment may arise to the office of the inquisition. Such for example, who order that no one shall bear arms, unless of the household of the temporal lord, and that no one shall apprehend, or cause to be apprehended, any person, but the temporal lord. For from thence it follows, that those who belong to the inquisitors cannot wear arms, nor take up any person. These are less criminal than the former; but are all excommunicated; and if they lie under that excommunication for a whole year, they must, in order to their reconciliation, abjure such impediment and favouring, otherwise they are delivered over as impenitent heretics to the secular arm.

Carena relates<sup>b</sup> from Farinacius, that a certain prisoner in the holy office was hanged for killing 'his keeper, in order to make his escape. He adds, that at Cremona,<sup>c</sup> a certain Jew was hanged for killing another Jew who had deposed against him in the holy office. And not only thus, but if the wound is not mortal, but slight, he says that he hath seen such offenders sometimes condemned for ever to the galleys, or at least for ten years. This was executed upon a certain person at Cremona, who had caned a witness for deposing against his brother in the holy office. His sentence was publicly read to him in the great episcopal hall at Cremona, Carena himself being present.

The same Carena gives us a case, by which it will appear, that sometimes those who terrify witnesses, but yet do not obtain their end, have been dismissed with a severe reprimand, and being put in mind of the beforementioned bull. A certain sergeant of the holy office had a message from the inquisitor to deliver to a certain countryman's wife: the woman not being at home, the sergeant would leave it with her husband, upon

<sup>a</sup> Carena, p. 2. t. 4. n. 23.

<sup>b</sup> P. 2. t. 13. sect. 24.

<sup>c</sup> A. D. 1614.

which the countryman gave him several hard names, and followed him with weapons, crying out, *Li scirro becco torna in dietro a tor il tuo precetto*. The pope consented that the cause should be tried before him,\* and the sentence approved was, that the said countryman had incurred the penalty of this constitution, and that he was to be condemned to the galleys for five years; with this addition, that from the goodness of the pope he should be heard, if he desired the grace of commutation, upon consideration of the plainness of the man, and his conjugal affection.

However, Carena adds a caution, that from these instances it is not lawful for the inquisitors and ministers of the holy office, to make for themselves a general rule, viz. that such who terrify the witnesses ought to be punished, as above, and after the same manner as those who wound them; for this is not left to the pleasure of the inquisitors or ordinaries by the matter of this bull, but to the cardinals, the supreme inquisitors, to whom it belongs to declare, whether criminals have incurred the penalties of this constitution, or not.

He gives us another instance that happened at Cremona, A. D. 1592. A certain person had accused all the witnesses examined against him in the holy office, and had caused them to be imprisoned by the secular judge, for sundry crimes and damages which they and their cattle had occasioned in his grounds. The major part of the congregation at Cremona thought, that although the accusation could not be called formally that terrifying of which the bull speaks, yet inasmuch as it appeared slanderous and deceitful, the criminal should be obliged to free the imprisoned witnesses from jail at his own expence, and pay them, when delivered, all their charges.

This takes place, not only when any person is accused as an heretic, “but in all and every cause whatsoever belonging to the holy office; because every cause belonging to this tribunal, is properly said to be a cause of the faith, and to belong to it, and to infer some mark of the faith, either directly or indirectly. And in all causes of this holy office there is the

\* July 15, 1621.

† Carena, sect. 17.

same reason for maintaining the liberty of this tribunal. Thus in the year 1635, a certain Neapolitan soldier had rescued from the Shirri a certain blasphemer, taken up in the name of the holy office, for which he was condemned, by order of the supreme tribunal of the city to all the penalties of this constitution. Although afterwards, through the favour of the said supreme tribunal, the punishment of death was exchanged for that of the galleys for ten years. And this was publicly executed at Cremona, in the hall of the holy office."

Yea, they extend this affair sometimes so far, that all manner of offences committed against any one that belongs to the inquisitors, though they have no relation to the faith, are punished in the same manner, as though the office of the inquisition had been hindered by them, or the inquisitor himself had received some grievous injury. Reginald Gonsalvius gives us a remarkable instance of this which happened in the former age at Seville.<sup>a</sup> The bishop of Terragone, chief inquisitor at Seville, went one summer for his diversion to some pleasant gardens situate by the sea side, with all his inquisitory family, and walked out, according to his custom, with his episcopal attendance. A child of the gardener, two or three years old at most, accidentally sat playing upon the side of a pond in the garden, where my lord bishop was taking his pleasure. One of the boys that attended his lordship, snatched out of the hand of the gardener's child a reed, with which he was playing, and made him cry. The gardener hearing his child, came to the place, and when he found out the occasion of his crying, was angry, and bad the inquisitor's servant restore the reed to him. And upon his refusal, and insolently contemning the countryman, he snatched it away, and as the boy held it fast, the gardener slightly hurt his hand by the sharp husk of the reed, in pulling it from him. The wound was far from being serious, or from endangering the loss of any part, and so could not deserve a severe punishment. It was no more than a scratch of the skin, a mere childish wound, as one may imagine by the cause of it. However, the inquisitor's boy came to his master, who was walking near the place, to complain about his wound, upon



which the inquisitor orders the gardener to be taken up, and thrown into the inquisitory jail, and kept him there for nine months in very heavy irons, by which he received such damage in his circumstances, which were at best but mean, as the poor man could not easily recover; his children and wife, in the mean did while, being ready to perish for hunger, because he not pay deference enough to the inquisitor's boy, as a member of the holy tribunal. At nine months end they dismissed him from jail, and would have persuaded him, that they dealt much more mercifully with him, than his crime deserved.



## CHAP. XI.

### *Of Persons suspected of HERESY.*

ALTHOUGH, in other cases, it is usual to distinguish between a suspicion and a presumption, a suspicion being no other than a man's opinion concerning a crime, several of which suspicions must concur to form a presumption of it, yet in the cause of heresy they are taken for the same.<sup>a</sup> A presumption or suspicion therefore in this affair is, a probable guess of a doubtful matter, proceeding from the nature of the thing, or the circumstances of affairs or persons.<sup>b</sup> Presumptions arise from a person's country and parents; but these are too general. Others arise from his education, and the manners of those with whom he converses. This is the reason that the inquisitors, in their first examinations, so diligently ask the criminals of what nation, country, family, and kindred they are, amongst whom they have been educated, who were their masters, instructors, companions, and friends. For these things, and a thousand other such are usually considered in doubtful cases, that from hence they may draw more probable proofs. They also consider the sex. A man may more easily be presumed

<sup>a</sup> Direct. part. 2. q<sup>u</sup>o, 55, 56.

<sup>b</sup> Simanc. t. 50. sect. 8, &c. sect. 17.

guilty of robbery. A woman of witchcraft. And farther, they consider the age, fortune, difference of condition, nature of mind, and inclinations.

In the cause of heresy suspicion is threefold; light, vehement and violent: a light suspicion is that which arises from the external signs of actions and words, by which such a guess may be made, as may imply, not indeed frequently, but seldom, and by accident, that he who says or does such things is an heretic. This is inferred by a small consequence. As if any one should argue thus: he is found to frequent private conventicles, and in his life and manners departs from the common conversation of the faithful; therefore he is an heretic, because heretics themselves are found to do such things frequently. Such are lightly suspected of heresy. But the inquisitors teach, that such persons ought not easily to be proceeded against in a cause of such importance. However, sometimes the very speaking to heretics hath not escaped without punishment. Thus Bzovius relates;<sup>a</sup> Acursius, the son of Aldobrandinus, a citizen of Florence, incurred the canon, because, whilst he dwelt in France, he conversed with heretics. For it was, they thought, a crime for any one so much as to salute them, contrary to the apostolic institutions. But as he was afterwards absolved by Raymond Peniafortius, penitentiary of the apostolic see, Pope Gregory enjoined the prior, and Friar Robert, and the rest of the predicant friars in Paris, that they should not any ways molest him, or suffer or command him to be molested.

A vehement suspicion, which is also called *Juris*, arises from such external words and deeds, which, when known, infer an argument frequently conclusive; and because, as to most, he who doth or says such things is an heretic; and is usually taken for full proof, if there be nothing proved to the contrary. Such are those, who being called to answer concerning the faith, do not appear in the time assigned them; such who knowingly hinder the office of the inquisition; who knowingly give their counsel and assistance and favour to such hinderers;

who instruct heretics when cited to conceal the truth, and speak falsely; who are any ways excommunicated upon account of the faith; who knowingly favour, defend, and receive heretics; who are infamous for heresy, upon account of their familiarity with such whom they know to be heretics; who knowingly accompany, visit, and receive heretics.

A violent suspicion, which is also called *Juris* and *de Jure*, is a certain disposition of the law, presuming something, and determining upon such presumption, as though it were certain and known. Nor can any proof to the contrary be regularly and directly admitted against such presumption; because, as it proceeds from open and violent marks, it is taken for a manifest truth. It arises from external signs of actions or words, by which it may be concluded effectually, and almost always, that he who says or doth these things is an heretic. As if heretofore any one should adore heretics, or reverence them after their manner; or receive the consolation or communion from them, or do the like things belonging to their custom.\* Such are said to be violently suspected.

A person lightly suspected is enjoined canonical purgation, and if he afterwards fall into the like suspicion he must be more grievously dealt with.

A person vehemently suspected, must be commanded to abjure generally every heresy, and if he should afterwards return to those errors he shall incur the punishment of the relapsed.

He who is violently suspected is to be condemned as an heretic. If he confesses, and will return and abjure his errors he must be admitted to penance, but if he doth not consent to abjure, he must be delivered over to the secular court, and receive his deserved punishment.

The heirs of persons suspected are compelled to fulfil the penance enjoined, as if one be adjudged to build a church or an hospital, and die before it is completed; his estate must descend to his heirs with that incumbrance.

\* Cap. Filii et Accusatus. Extra. de hæret. lib. 6.

## CHAP. XII.

*Of Persons defamed for HERESY.*

WHO they are that are defamed for heresy, we are taught by the council of Tholouse.<sup>a</sup> “Such ought to be accounted defamed, who are cried out against by public report, or of whose defamation amongst good and grave persons there is legal proof before the bishop of the place.” So that to the perfect proof of such defamation or infamy for heresy, two good and grave witnesses suffice. But if they are vile and infamous, although they are not to be despised on this account, so as to stop proceeding to an inquisition from what they depose, yet such defamation is not fully proved by them.

They say also, that it is not necessary that the witnesses should hear this infamy from the same prudent and discreet persons; but it is sufficient, though they hear it from different.<sup>b</sup> And they give this reason for it; because, as they are only to prove infamy, it is sufficient if the witnesses agree in and concerning this matter. Yea, they teach farther, that it is not necessary that the witnesses should agree as to the causes of their own knowledge. So that if the witnesses should say, they know this infamy, because they have heard of it, they are not bound to prove they have heard it; nor is it required that one witness should agree with the other as to time and place, and the causes of their knowledge. Because the question is not about these things, but only concerning the fame and infamy. So that though they appear singular in what they say, their assertion shall be abided by.

The punishment of one thus defamed is canonical purgation, and some other ordinary penalty,<sup>c</sup> when the defamation is fully proved. But if it is not fully proved, the person cannot be compelled to a canonical purgation, unless there be fuller proof, and other signs and tokens concur with the defamation,

<sup>a</sup> Direct. p. 2. qu. 57. cap. 16.

<sup>b</sup> Lucern. Inq. in voce Infamia.

<sup>c</sup> Cap. Excommunicamus itaq; Extra. de hæret. sect. Adjicimus.



They say it is the same, if the infamy arises from rivals and enemies. This is sufficient to give a beginning to the inquisition, but not to enjoin canonical purgation, unless what they say be probable.



## CHAP. XIII.

### *Of Persons Relapsed.*

A PERSON is said to be relapsed, upon a double account, either in heresy, or the favouring of heresy.<sup>a</sup> One relapsed into heresy is he, who after he hath been convicted either by the evidence of the fact, or his own confession, or by a legal production of witnesses, hath publicly abjured his heresy, and is convicted of falling into it again. So that though a person who falls into the same error again and again, without any solemn penance intervening, or making an abjuration or canonical purgation, may be truly said to be a relapse, yet he cannot be punished as such, so as to be delivered over to the secular court, if so be he will repent. Of these relapsed persons there are four sorts.<sup>b</sup> The first, when any one falls into the same heresy he hath abjured. Here the doctors dispute, whether or no a person who abjures as an heretic before the inquisitor's subdelegate, and afterwards falls into the same or any other heresy, is to be accounted as a relapse, if there be no certainty of the subdelegation of that judge before whom he abjures. However, in the city of Como a certain woman, who had thus abjured, was given over as a relapse to the secular arm, and burnt, by the advice of the whole college of counsellors in that city, and of the bishop, and of John Thomas Odeschalcus, a senator. It was determined also after the same manner at Mantua in a like case.<sup>c</sup> The second, when any one falls into an heresy which he abjured as vehemently suspected, but not

<sup>a</sup> Direct. p. 2. qu. 58.

<sup>b</sup> Carena, p. 2. t. 2. sect. 6. n. 36.

<sup>c</sup> Cap. Accusatus. de hæret. lib. 6. Ibid. sect. Cum vero. sect. Ille quoque.

if he only falls again into a vehement suspicion of heresy. The third, when after a general abjuration of heresy, he falls into an heresy different from the particular one he abjured. The fourth, when after having abjured as an heretic, he accompanies, visits, &c. heretics, sends them presents, or grants them favour.

The gloss on the aforesaid cited chapter only excepts the case of hunger, which excuses, provided it be violent.<sup>a</sup> But this exception was not allowed by the supreme council of the Spanish inquisition, in which a certain person was delivered over to the secular arm as a relapse, who having been reconciled as a moor, returned afterwards to some of that sort, and would have excused himself by this gloss, that he went to them upon account of hunger.

Persons who have relapsed into heresy are to be condemned without mercy, and saith the council of Narbonne, “leave them without further hearing to the secular judgment, to receive their due punishment, since it is enough, that such have once deceived the church by a false conversion,” their punishment differs from that of other condemned persons, in this only, that they are allowed the sacrament of penance and the eucharist; but in Spain, the eucharist is generally denied to such, because of the danger which may happen by the alteration which he receives, who is to be delivered over to the secular arm, and he is therefore allowed only the sacrament of penance.

#### CHAP. XIV.

*Of such who read and keep prohibited books.*

BESIDES these there are others, whose crimes may be thought more properly to belong to another court. But it sometimes happens that they are said to be sprinkled with the

<sup>a</sup> Carena, p. 2. t. 2. sect. 5. n. 31.

plague of heresy, because they are suspected of it, and therefore must be inquisited on account of their intention. Amongst these first occur those who read and retain books prohibited upon account of heresy. These are numbered amongst suspected persons, and there are several severe edicts of the Roman pontiffs against them.

Pius V. published a bull upon the festival of *Cona Domini*.<sup>a</sup> In the first chapter are excommunicated all heretics and schismatics, of whatsoever name or sect, and all favourers, receivers, and believers of heretics, and those who any wise knowingly read, keep in their houses, print, or in any wise defend, for any cause, publicly or privately, under any pretence or colour, and in general all who defend their books, without the authority of the apostolic see. Pius IV. recalled all licences of reading and keeping such books, by his constitution, which begins, *Cum pro menure*.<sup>b</sup> By these letters he commands, that all persons shall deliver and consign over all condemned books to the inquisitors of the cities where such books are. In like manner those who retain them cannot be excused, even though they keep them locked up in a chest, so that no one can see or read them, because all such excuses are cut off by this sentence, and by the alledged constitution of Pius IV. Again, those who print them are excommunicated; and also those who in any wise, or for any cause, publicly or privately defend heretical books, &c. and the absolution of all such persons is reserved to the Pope.

And that all manner of leave of reading even the least thing in a book condemned for heresy, may be cut off;<sup>c</sup> they declare that they understand not only printed books, but even manuscripts and parts of them, which they thus expound. He who reads that part of the books of heretics that are divided into tomes, which doth not professedly contain heresy, is not accounted to read a book prohibited by the bull *Cœna*, even though the other tomes should be heretical. But if a tome contains heresy, or treats of religion, and it be divided into several books, he who reads one of the books of such a tome, is

<sup>a</sup> Compeg. in Zanch. c. 34.

<sup>b</sup> March 24, 1564.

<sup>c</sup> Sousa Aphor. Inquis. l. 1. c. 21. sect. 8, &c.

said to read a book prohibited by this bull, even though the particular book doth not contain heresy, nor treat of religion, and is bound up separately from the others. Yea, it is enough to say that a person hath read a prohibited book, if he only just runs it over with his eyes, adverting to the things written in it, though he doth not mention one word of it with his mouth. And yet, which is strange, they add, that he who by memory recites a prohibited book, though he doth it with an evil intention, is not accounted so to read it, as to incur the censure pronounced against such who do ; so observant are they of the letter of the law ; though at the same time he incurs the censure of the bull, who reads a book prohibited by it, though he doth not do it with an ill design, but out of pure curiosity, or to confute the errors of heretics.<sup>a</sup> But to a man's incurring the penalty of excommunication, it is necessary that he should knowingly read it. So that ignorance excuses, but not when it is gross and affected, viz. when a person pretends not to know that the author of a book was an heretic, although he knew the book treated of religion, or that the book treated of religion, although he knew the author to be an heretic.<sup>b</sup> He who keeps the aforesaid books either in his own, or another's house, whether he understands the book or not, whether it be the whole or a part, even so much as a single leaf,<sup>c</sup> whether he keeps it to read, or only for curiosity and ornament's sake, or to exchange for other books, or to wrap up what he sells with the leaves of it, incurs the excommunication of the bull. Likewise he who causes it to be printed, defends it, praises it, says it is not fit to be burnt or prohibited, or hinders its coming to the inquisitors hands.

These are all suspected concerning the faith, and may be punished by the inquisitors as suspected.<sup>d</sup> But if any one doth not deliver an heretical book to the inquisitors, but burns it by his own authority, he is not suspected of heresy, though he falls into excommunication ; because Julius III. by a con-

<sup>a</sup> Sousa Aphor. Inquis. l. 1. c. 21, sect. 22, 23.

<sup>b</sup> Ibid. sect. 28.

<sup>c</sup> Ibid. sections, 33, 34.

<sup>d</sup> Ibid. sections, 36, 30.



stitution, beginning, *Cum meditatio cordis*,<sup>a</sup> commands, that such books shall be really and effectually delivered up to the inquisitors.

This interdict of reading prohibited books is so universal, that it comprehends even the clergy themselves, and as most contend, the bishops and very cardinals, who cannot read the said books without the Pope's licence ; because all licences and privileges were revoked by Julius III. in a constitution, beginning, *Cum meditatio* ; and afterwards by a constitution of Paul IV. beginning, *Cum futurum* ; and of Pius IV. *Cum promunere* ; and by a constitution of Gregory XV.<sup>b</sup> beginning, *Apostolatus officium* ; and finally by a constitution of Urban VIII.<sup>c</sup> this revocation was often confirmed. Hence it is that this penalty is appointed against the clergy who retain and read prohibited books, that they are vehemently suspected, may be deprived of the active and passive voice, suspended from divine services, deprived of the offices of reading, preaching, &c. and farther be enjoined fastings, pilgrimages, &c.



## CHAP. XV.

### Of POLYGAMISTS.

POLYGAMISTS are those who marry several wives at once.<sup>d</sup> The tribunal of the inquisitors takes cognizance of their cause, because they are suspected of heresy, and are presumed to think wrong concerning the sacrament of matrimony, and to hold it lawful to have several wives at once.

When a Polygamist is in the jails of the holy office,<sup>e</sup> and he is known to be the self same person, either by his confession, or by witnesses, and when his crime is proved, he is asked,

<sup>a</sup> Carena, p. 2. t. 10. n. 46.

<sup>b</sup> Published Dec. 30, 1623.

<sup>c</sup> Published Ap. 11, 1631.

<sup>d</sup> Carena, p. 2. t. 5. sect. 2.

<sup>e</sup> Ibid. sect. 10. n. 55.

whether he truly believes that it is, and hath been lawful for a Christian man, after the evangelic law, to marry several wives at once? If he answers affirmatively, he is taken for a formal heretic, and is to be punished as such. But if he answers negatively, and like a Catholic, denying that he had any heretical intention, but was rather enticed to a second matrimony by the lust and concupiscence of the flesh, he must be put to the torture concerning his intention, that the judges of the faith may certify themselves what the Polygamist truly thinks concerning the faith, because the crime of heresy is secret, and lies hid in the mind. This is peculiar to this holy office; though according to the laws of it, they rightly apply the torture. For since the fact which the criminal confesses, or of which he is convicted, may be committed without any error of the mind, but for some other cause, for instance, concupiscence, the criminal is tortured concerning his intention and belief of those things which he hath done. And thus we see, that it is a smaller crime in the church of Rome to marry two wives through lust and carnal concupiscence, contrary to the dictates of conscience, than from some error of the mind, and with a conscience that doth not condemn the fact.

Polygamists are suspected of heresy.<sup>a</sup> In Spain they are only lightly suspected, and therefore, according to the general custom of Spain, they must abjure only as lightly suspected. But in the supreme tribunal of the Roman Inquisition, they are vehemently suspected, and must abjure as such.

Yea, such who marry a second wife,<sup>b</sup> being ignorant that the first is dead, but yet bring witnesses to prove that they had no wife, although their actual Polygamy is not certain, yet they must abjure as vehemently suspected, and be condemned to the gallies. Carena gives us an instance of a certain person of Bologna, who had married his first wife there, and afterwards, having examined witnesses, to prove he never had a wife, married a second at Naples, being ignorant whether the first was dead. This man was brought before the Pope by the

<sup>a</sup> Carena, p. 2. t. 5. sect. 11.

<sup>b</sup> Ibid. n. 59.

sacred congregation,<sup>a</sup> and being first put to the torture concerning his intention, he was forced to abjure as vehemently suspected, and condemned to the gallies for five years. Because, though his actual Polygamy was not certainly proved, yet, as to himself, he had consummated the crime.

But if any one during the life of his first wife, betroths another, he is only lightly suspected, and must therefore only abjure as such. And they give this reason of the difference; because, in this case, there is no actual abuse of the sacrament, but only an evil disposition of mind to abuse it.

After abjuration these Polygamists are enjoined various salutary penances by the inquisitors,<sup>b</sup> such as fastings, prayers, and the like, after which, he who hath married two wives, is condemned to the gallies for five years; and if he hath produced false witnesses to prove the death of his former wife, for seven years and more, at the pleasure of the inquisitors, and is commanded to return to his first wife. If they are of the ordinary sort of people they are generally beat, and half their effects confiscated. And in some places they have an infamous sort of a mitre put on their heads, and are afterwards beaten. In Spain they are condemned to the gallies for ten years. If any one hath married thrice or more, he is more grievously punished, and condemned for a longer while to the gallies. Thus at Rome,<sup>c</sup> four Polygamists were condemned to the gallies in the church of St. Mary supra Minervam, by the supreme tribunal of the Roman Inquisition, two of them for seven years, who had married three wives, and the other two for five years, who had married two.

<sup>a</sup> October 19, 1620.

<sup>b</sup> Carena, p. 2. t. 5. sect. 13, n. 61.

<sup>c</sup> May 18. A. D. 1597.

## CHAP. XVI.

*Of those who celebrate and administer the sacrament of Penance, not being Priests.*

HE who celebrates mass, not being in presbyters orders,<sup>a</sup> is subject to the judgment of the inquisitors, and opposes in fact the Catholic verity, according to the constitution of Gregory XIII. beginning, *Officii nostri*. The evil of this crime, according to Sousa, reaches to idolatry, because those who thus celebrate, make the faithful of Christ to adore bread and wine, as though it were the true body and blood of our Lord.

In like manner he who is no priest, and yet hears confessions, and gives absolution, is said to abuse the sacrament, and greatly to injure his neighbour.

Such are vehemently suspected of heresy,<sup>b</sup> because they think, at least as to the very fact, that other persons besides priests may be the ministers of those sacraments.

Such criminals are to abjure as vehemently suspected, and are then delivered over to the secular arm to be punished with death; but are first degraded from their orders if they are in any.<sup>c</sup> Thus, A. D. 1636. and the following, two of these criminals were delivered over to the secular court at Naples, and by order of the holy council first hanged, and then burnt.

Urban VIII.<sup>d</sup> commanded by a letter of Cardinal Mellinus, to the inquisitor general of Portugal,<sup>e</sup> that criminals confessing, or convicted of this crime, should be absolutely delivered over to the secular arm, and punished with death. But in as much as before these letters they were not punished with death in Spain, according to the constitutions of Gregory and Clement, so Sousa affirms, that he never saw this punishment inflicted in

<sup>a</sup> Sousa, l. 1. t. 32. n. 7.

<sup>b</sup> Carena, p. 2. t. 11, sect. 1.

<sup>c</sup> Ibid. sect. 6. n. 30.

<sup>d</sup> Ibid. sect. 7.

<sup>e</sup> March. 5, 1622.



the kingdom of Spain, after the said letters of Cardinal Mellinus.<sup>a</sup> But this was the method of punishment there generally made use of, viz. that if the pretended priest was a layman, or vile person, he was beat, and sent to the gallies, and enjoined some spiritual penances. Or if he was a person of credit, or a religious, he was sent to the gallies. If of such quality as that he could not be sent to the gallies, he was banished; and, if in any order, suspended from it the whole time of his banishment. If the offence was attended with any aggravating circumstances, they add other punishments according to their quality.

We have an instance to this purpose in the book of sentences of the Tholouse Inquisition.<sup>b</sup> A certain countryman called Rolland, believed he had a power from the Lord to celebrate mass, and consecrate the true body of Christ from common bread, and the true blood from wine mixed with oil and salt, in a wooden bowl that had a foot to it, which he used instead of a chalice. And thus he every day sacrificed secretly in his own house, upon a coffer covered over with a linen cloth, and often communicated of that bread, believing it to be the true body of Christ. After four years he was thrown into prison, and was with difficulty prevailed upon to abjure his error. But whilst he was in his imprisonment, he was found to have relapsed into the same error, and to have repeated this ceremony. But before he was punished as a relapse, he died in jail, without a confession of his sins, and the sacrament of the eucharist. The inquisitors commanded his body to be taken up and burnt.

Raynald gives us another instance of one, who did not indeed celebrate or administer the sacrament of penance as a priest, though he really was none, but who said he was a bishop, though he had not the Pope's bull, and as such consecrated priests. And because he was made an example of extreme cruelty, I will here relate the matter exactly as I find it in his annals.

“James the priest, a false Minorite, born in the dutchy of Juliers, forged the Pope's bull, and declared in the Netherlands

<sup>a</sup> Sousa, l. 1. 32. n. 13.

<sup>b</sup> Fol. 122.

that he was a bishop ; and although he had not been ordained a bishop, he consecrated priests by a false ceremony in several dioceses of Germany and the Low Countries. At length he was convicted of his wickedness, and the magistrates of Utrecht thought fit, not to condemn him to the flames, that he might be quickly consumed, but to be gradually burnt by boiling water, that so they might conquer his obstinacy, because he most impudently refused to acknowledge his crime. But being gradually let down into the boiling cauldron, and overcome with the extremity of the pain, he detested his wickedness, and prayed that he might receive a milder punishment. His judges being moved with compassion, ordered him to be taken out of the boiling cauldron, and then to be beheaded."



## CHAP. XVII.

### *Of Soliciting* CONFESSORS.

BY these are understood such confessors, who, in the sacramental confession, solicit and provoke, or attempt to solicit and provoke women to dishonourable actions.<sup>a</sup> Paul IV.<sup>b</sup> published a bull against such persons, directed to the archbishop of Seville, beginning, *Cum sicut super*, and Pius IV. another,<sup>c</sup> and the supreme inquisitors general an edict, approved by Clement VIII. But those bulls, and that decree seem only to take place in Spain, because the bulls were directed to the archbishop of Seville, and the decree of the sacred congregation expressly restrained to the places of Spain. But in the year 1612, in the month of April, it was decreed by Pius V. that all the inquisitors should be admonished to command the confessors, to abstain from all and every sort of solicitation, and to proceed rigorously against all those who did not. And finally, there is extant a constitution of Gregory XV.<sup>d</sup> beginning,

<sup>a</sup> Sousa, l. 1. c. 34. sect. 1. Carena, p. 2. t. 6. sect. 1.

<sup>b</sup> A. D. 1561. April 16.

<sup>c</sup> April 6, 1564.

<sup>d</sup> Published August 30, 1622.

*Universi dominici*, in which he confirms the letters or bull of Paul IV. and commands it to be firmly and inviolably observed, not only in the kingdoms of Spain, but in all other parts of the Christian world. And because the words of that bull about the middle of it, "whatsoever persons, and whatsoever they shall be which they solicit," are general, from this generality of the words they conclude that they extend also to confessors, who solicit boys in the sacramental confession.

The incontinence of the priests gave occasion to these edicts and bulls, viz. because, as the words are in the bull of Paul IV. "Certain priests in the kingdom of Spain, and in the cities and dioceses thereof, having cure of souls, or exercising such cure for others, or otherwise deputed to hear the confessions of penitents, have broken out into so heinous an iniquity, as to abuse the sacrament of penance in the very act of hearing confessions, and thus are not afraid to injure this sacrament itself, and him who hath appointed it, the Lord God and our Saviour Jesus Christ, by enticing and provoking, or trying and procuring to entice and provoke penitent women to lewd actions, whilst they are hearing their confession."

When this bull was first brought into Spain,<sup>a</sup> all persons were commanded by a public edict, solemnly published throughout all the churches of the arch-bishopric of Seville, that whosoever knew or had heard of any monks or clergymen who had abused the sacrament of confession to these crimes, or had in any manner acted in this vile manner at confession with their daughter or daughters, they should discover him within thirty days to the holy tribunal; and very grievous censures were annexed to such as should neglect or contemn it. When the decree was published, so large a number of women went to the palace of the inquisitors in the city of Seville only, to make their discoveries of these most wicked confessors, that twenty secretaries, with as many inquisitors, were not sufficient to take the depositions of the witnesses. The lords inquisitors being thus overwhelmed with the multitude of affairs, assigned another thirty days for the witnesses; and when this was not

<sup>a</sup> Gonsalv. p. 185.

sufficient, they were forced to appoint the same number a third and a fourth time. For as to women of reputation, and others of higher condition, every time was not proper for them to apply to the inquisitors. On one hand their conscience forced them to a discovery through a superstitious fear of the censures and excommunication; and on the other hand, their regard to their husbands, whom they were afraid to offend, by giving them any ill suspicion of their chastity, kept them at home; and therefore veiling their faces after the Spanish custom, they went to the lords inquisitors, when, and as privately as they could. Very few, however, with all their prudence could escape the diligent observation of their husbands at the time of discovery, and hereby possessed their minds with the deepest jealousy. However, after so many had been informed against before the inquisitors, that holy tribunal, contrary to all men's expectations, put a stop to the affair, and commanded all those crimes which were proved by legal evidence, to be buried in eternal oblivion.

In the mean while this crime, according to the bulls and edicts of the popes, ought to be judged and punished before the tribunal of the inquisitors.

In Spain these soliciting confessors are only lightly suspected,<sup>a</sup> because the Spaniards consider it rather as proceeding from the effect of the passions than an intention to abuse the sacrament of penance. But in Italy they are vehemently suspected; and therefore whereas in Spain they abjure only as lightly suspected, in Italy they abjure as vehemently. So Carena gives an instance of a certain confessor in one of the cities belonging to the territories of Cremona,<sup>b</sup> who abjured as lightly suspected for this crime of soliciting, but was forced to abjure again as vehemently suspected at Cremona, by order of the supreme tribunal of the city of Rome.

Besides salutary penances, such as fastings, prayers, and the like, such confessors are usually condemned to the galleys for five or seven years, to perpetual imprisonment;<sup>c</sup> yea, sometimes at the pleasure only of the cardinals supreme inquisitors,

<sup>a</sup> Carena, sect. 15.<sup>b</sup> Ibid. n. 75.<sup>c</sup> Ibid. sect. 18.



they may be delivered over to the secular arm, as the constitution of Gregory XV. plainly directs. They are also to be suspended for ever from hearing confessions, to be deprived of their benefices, dignities, active and passive vote, at the pleasure of the inquisitors. Such confessors as are regulars, may also be enjoined to be in the last and lowest place amongst the regulars of their monasteries. Sometimes the inquisitors must command, that the sentence against a regular confessor shall be read publicly in the next general chapter of their religion, as a terror and example to others.

Yea, sometimes, according to the heinousness of the offence, a more grievous punishment is inflicted. John Stock, notary of the apostolic Rota, relates, in a letter written at Rome,<sup>a</sup> to J. Hensberg, a divine of Cologne, a remarkable instance of this. "These wretches of ours are not so holy as they appear. They walk in the likeness of sheep, but within are ravening wolves, and their pretended sanctity is a double iniquity. They are under the influence of a strong ambition. The Venetians ordered one of them to be burnt alive, by command of the pope. He had been father confessor to some nuns in the dominions of Venice, and had had children by twelve of them, amongst whom the abbess and two others had children in one year. All were filled with admiration and astonishment, taking the man for a perfect saint, he had so great a shew of sanctity in his very face.<sup>b</sup>

In Portugal also the cognizance of an unnatural crime belongs to the tribunal of the inquisition, by the decree of Gregory XIII.<sup>c</sup> by which it is granted to the inquisitor of Portugal, to proceed in this crime, as in that of heresy, observing the same manner and form.<sup>d</sup> By the laws of the kingdom of Portugal such persons are punished with death, and confiscation of all their effects, and their children and grandchildren become infamous.<sup>e</sup> After the natural death of one accused, if

<sup>a</sup> October 8, 1564.

<sup>b</sup> Epist. ad Belgas, Cent. 1. Ep. 66. p. 345. and Ep. 63. p. 316.

<sup>c</sup> August 13, A. D.

<sup>d</sup> Sousa, Aphor. Inquis. l. 1. c. 59. sect. 29, 30.

<sup>e</sup> Ibid. sect. 31.

the crime hath not been proved, they cannot proceed against him, neither as to the crime, nor confiscation of effects, although the crime can be proved by legal witnesses. Because crimes, which are not particularly excepted, of which this is one, are extinguished by the death of the delinquent. Nor do they proceed against the dead, nor confiscate his effects,<sup>a</sup> or although he hath been convicted or confessed when he was alive. If such a one takes sanctuary in a church, he cannot be taken out of it.<sup>b</sup>

If we compare these things with the punishments of heretics, as related in the second chapter of this book, it will appear, that this horrible crime, in the kingdom of Portugal, is esteemed a much smaller one than that of heresy, because those guilty enjoy privileges which are denied to heretics. And yet it may happen, that a truly pious man, who fears God, and is most careful of his eternal salvation, may be accounted an heretic by the Portuguese inquisitors, whereas one guilty of this crime cannot but be the vilest of men. But it is not at all strange, that by the laws of that tribunal, Barabbas should be released, and Christ crucified.



## CHAP. XVIII.

### *Of one that is insordescent in Excommunication.*

A MAN is said to be insordescent in excommunication, who, after he hath been by name declared excommunicate, persists in that excommunication for a year.<sup>c</sup> The nature of this crime requires obstinacy of mind, including the contempt of the keys. This they infer, when the excommunicated person hath had knowledge of the excommunication, and taken no care to obtain absolution. For if within a year he endeavours to obtain absolution, though he should not actually receive it;

<sup>a</sup> Sousa, Aphor. Inquis. sect. 32.

<sup>b</sup> Ibid. l. 2. c. 26. sect. 30.

<sup>c</sup> Carena, p. 2. t. 8. sect. 2.

or if there be any real hindrance that prevents his appearance, he is not judged guilty of contempt.

He who thus persists in his excommunication, is accounted as confessed and convicted of the crime for which he was excommunicated; nor is he to be any farther heard, unless he can demonstrate his innocence with new proofs.<sup>a</sup> If the crime for which he was excommunicated be of the number of those, which do, *ipso jure*, infer privation, he must be deprived of his benefice for insordescence. But if it be such a crime for which the delinquent is to be deprived of his benefice, but not *ipso jure*, in such a case he is also to be deprived for insordescence.

He who thus persists in excommunication, is violently suspected of heresy.<sup>b</sup> For if there be only a light suspicion of heresy against any person, and if when cited he is obstinate, the suspicion then begins to be vehement. If through contumacy he continues in excommunication for a year, the vehement presumption becomes violent, and thus he may be taken for an heretic, and punished as such. Because, from thus persisting, there arises a presumption of the law, and *de jure*, by which the crime of heresy is sufficiently proved.

But that such a one may be condemned as an heretic,<sup>c</sup> he must not fail to be cited, in order to purge himself from the suspicion of heresy, because he continued for a year in excommunication.

If such an excommunicated person appears when the year is elapsed,<sup>d</sup> and desires to prove his innocence, before he is declared an heretic he must be admitted to trial.<sup>e</sup> Yea, as some affirm, he must be heard even after he is declared an heretic, and his effigies burnt.

If when he appears, and doth not prove any legal impediment,<sup>f</sup> but only his innocence as to the heresy for suspicion of which he was cited, although he is to be absolved from the heresy, yet he is to be tortured to discover his intention, upon account of a vehement suspicion of his contempt of the keys of the church, and must abjure as one vehemently suspected. If neither a legal impediment nor his innocence appear, he is to

<sup>a</sup> Carena, sect. 3.

<sup>b</sup> Ibid. sect. 5. n. 19.

<sup>c</sup> Ibid. n. 21.

<sup>d</sup> Ibid. n. 23.

<sup>e</sup> Ibid. n. 24.

<sup>f</sup> Ibid. sect. 8.

be dealt with as one vehemently suspected of heresy, and of the contempt of the keys.

If he proves nothing, and is impenitent, or relapsed, he is to be left to the secular court. If he is penitent he must abjure, according to some, as vehemently suspected; according to others, formally. Besides, wholesome penances are to be enjoined him, and he may be condemned, according to the nature of his crime, to more grievous punishments, and especially pecuniary ones.



## CHAP. XIX.

### *Of* BLASPHEMERS.

THERE are two sorts of blasphemers.<sup>a</sup> Some who do not utter heretical blasphemies, who do not belong to our history; and others who throw out blasphemies that are heretical, and who are therefore subject to the judgment of the inquisitors J. Royas argues concerning them in this manner.<sup>b</sup> “It is very often a matter of doubt in the court of the inquisition, what blasphemies may be said to be heretical, to make the cognizance of them belong to the inquisitors. But, according to the common custom, and agreeable to law and reason, these words are heretical, ‘I deny God, I do not believe in God.’ In Spanish, ‘Discreo de Dios, reniego de Dios, o reniego de la fe, o de la cruz, o crisma a que teng o en la trente, o reniego de la puridad de nuestra senora,’ i. e. ‘I do not believe in God, I deny God, or I deny the faith, or the cross, or the chrism, which I have received in my forehead, or I deny the virginity of our lady.’ These words are said to be heretical blasphemies, and the inquisitors have cognizance of them, because they have an infidel signification, and denial of the faith, and are directly opposed to a confession of the faith. But other blasphemies, viz. ‘Pese a Dios, por vida de Dios, voto a Dios, malgrado aya

<sup>a</sup> Eymer, p. 2. q. 41.

<sup>b</sup> Royas, p. 2. assert. 12. sect. 170



Dios, o despecho de Dios,' and the like, i. e. ' Let it trouble God, by the Life of God, I vow to God, God's curse on you, or God spite you,' are not heretical, because not opposed to a confession of the faith, although they are absolutely blasphemies. The punishment of these belongs to the ordinary judges."<sup>a</sup> In Italy also it is not reckoned blasphemy; if any one says, " Al corpo di Dio, o dira vel putana di Dio becco; vel al dispetto di Christophero, or putana della virgine Giovanna;" i. e. " Body of God, or he will say, &c. or in spite of St. Christopher; or the whore of the virgin Joan."

Heretical blasphemers are punished in this manner by the inquisitors. If the blasphemy be very heinous, and the blasphemer a mean person, he is made to wear an infamous mitre, hath his tongue tied, and pinched with an iron or wooden gag, is carried forth as a public spectacle without his cloak, whipt with scourges, and banished. But if he be a person of better condition, or noble, he is brought forth without the mitre, thrust for a time into a monastery, and punished with a fine. In smaller blasphemies they are dealt with more gently at the pleasure of the inquisitors, viz. the blasphemer is condemned to stand, during divine service, upon some holy-day or other, with his head naked, without his cloak, and shoes, his feet naked, a cord tied round him, and holding a burning wax taper in his hands. Sometimes also they squeeze his tongue with a piece of wood. After divine service is over his sentence is read, by which he is enjoined fastings and a fine.

And because such who accustom themselves to blaspheme, though they do it in passion, are vehemently suspected of heresy, they are forced to abjure as thus suspected. Thus Diana relates,<sup>b</sup> that in the Inquisition in Sicily, two blasphemers were made publicly to abjure, as vehemently suspected,<sup>c</sup> in the presence of the judge himself. But in smaller blasphemies, because they are but lightly suspected, they only abjure as such.

But in these cases the inquisitors mostly act according to their own pleasure, who have an ample power of judging

<sup>a</sup> Carena, part 2. t. 7. sect. 8.

<sup>b</sup> Resol. moral. Par. 4. tract. 7. resol. 8.

<sup>c</sup> Dec. 16, 1633.

according to the nature and heinousness of the crimes. Gon-salvius<sup>a</sup> tells us of a certain person who had a quarrel with a clergyman of Ecya, a city in Spain, who accidentally said, in the hearing of others, that he could not believe that God would come down into the hands of so profligate an adulterer. The vicar of the ordinary fined him for the speech. But the clergyman not contented with this revenge, afterwards accused him of blasphemy at the tribunal of the inquisitors at Seville. Nor did the fine to which he was before condemned by the ordinary, prevent his being taken up by command of the inquisitors, imprisoned for a whole year, brought out in triumph without cloak or hat, carrying a wax-candle in his hand, his tongue gagged with a wooden gag, thus to punish his blasphemy; and being forced to abjure as lightly suspected, he was fined a second time.



## CHAP. XX.

### *Of DIVINERS, FORTUNE-TELLERS, and ASTROLOGERS.*

FORTUNE tellers and diviners are distinguished.<sup>b</sup> For there are some who act merely by the art of divination, such as tell fortunes, by looking into the palms of the hand, and judiciary astrologers. Others who exercise divination by lots, with the addition of some heretical word or fact: as if any one in telling fortunes about sweethearts should deny God and the sacraments of the church; or should mingle any of the sacraments of the church with his fortune-telling, or those things which the divines call sacramental; as if he should baptize images, rebaptize a child, or only anoint him with holy oil, or incense the head of a person dead, or do any of the like things to divine future things, or use a candle and holy water to discover stolen goods. All these things render the doer

<sup>a</sup> Resol. moral. Par. 4. tract. 7. resol. 8. p. 195.

<sup>b</sup> Eymer. p. 2. qu. 42. Com. 67.

suspected; for unless he had believed such sacraments or sacramentals had some virtue to effect such evil operations, he would not have used them for this purpose. So that the inquisitors take diligent care to interrogate them concerning their belief, and if they deny the intention they are tortured; and if they do not confess, they may be made to abjure as vehemently suspected. They may also be punished with excommunication, suspension of dignities, whipping, banishment, imprisonment in monasteries, and other punishments, according to the quality of the persons. They may also be publicly brought forth wearing the infamous mitre, or be disgracefully tied to a ladder near the gates of the church, and be banished from the diocese.

As to judiciary astrologers, their art is generally condemned as superstitious.<sup>a</sup> But there is one species of it, which the doctors pronounce erroneous and heretical, viz. that which professes to foretel the mysteries of our faith by the stars. In like manner they are condemned as rash astrologers, who pretend they are able to foretel by the stars certain things concerning the state of the church, life or death, or the assumption of the chief pontiff. Pope Urban VIII. by a constitution, beginning, *Inscrutabilis*,<sup>b</sup> hath appointed, that judiciary astrologers, who make judgments concerning the state of the Christian republic, or apostolic see, or the life of the Roman pontiff, or his kindred, or who, when made, keep them in their own possession, or shew them to others, or speak of them by words, besides the punishment of excommunication which they shall, *ipso jure*, incur, shall be punished with death as guilty of high treason, confiscation of effects, and that if they are of the clergy, they shall be punished with deprivation of their benefices and offices.

We have also instances of very grievous punishments inflicted on these judiciary astrologers, one of which may be seen in Bzovius, under the year 1327. Bzovius's words are,—“ Francis Asculanus was thrown into jail at Florence, and burnt, being by name convicted of blasphemies, heresy and

<sup>a</sup> Carena, p. 2. t. 12, sect. 12.

<sup>b</sup> Published Ap. 1, 1631.

judiciary astrology, as also of other damned arts, and was condemned by the inquisitors of the faith." After this he subjoins a catalogue of the crimes objected to him, from which it appears that most of them were taken from judicial astrology.

## CHAP. XXI.

### *Of* WITCHES.

WITH these fortune-tellers are properly joined witches or hags, which in Italy they commonly call strigiæ, from their resemblance to the screech-owl, a night and troublesome bird, because they are reported to deal in their witchcraft principally at night, and to suck the blood of infants. Others call them sorceresses, charmers, and the like.<sup>a</sup> They are said to have been a sect of people, principally women, who arose in Italy in the year 1400. They gather together in certain places near towns and villages, at particular times, and especially the night preceding Friday, when the devil appears to them in a visible human shape. When they enter into this gang, they first, and before all things, do, by the devil's command, deny their holy faith and baptism, the Lord God, and the blessed Virgin Mary, and after this they trample under their feet on the ground, a cross made by one of the witches. After this they promise allegiance between the hands of the devil, taking him for their lord, and promise obedience to him in all things. As a token of all this, they put their left hand behind their back, and touch the devil's hand, and offer him somewhat as a mark of their subjection. From henceforth they are said to believe the devil to be their true lord and god; and as often as they go to their nightly assemblies, which they call the play of good fellowship, they worship the devil appearing in human

<sup>a</sup> Bernard Comensis de Strigiis.



shape, and by bowing their head profoundly down, adore him as their true god. It is reported of them, that they go to this assembly or play, truly and corporally, when awake and in their perfect senses: if the place be near they go on foot; if distant, they are carried by the devil through the air.

Many authors have written largely of these witches or hags. James Sprenger, Sylvester de Prierio, Bartholomew Spineus, and others, who warmly contend that they are all corporally carried to these night-plays or dances. Francis Ponzinibius is the only one amongst the papists of former ages, who opposes their common opinion, and affirms that they are not corporally carried, but only deluded by dreams and phantasms.

The crime of witchcraft is cognizable by the court of the Inquisition.

By the sanctions of the Roman pontiffs, the inquisitors are required to proceed against them as heretics. Innocent VIII. writing to the inquisitor of Germany, speaks thus, “we have indeed lately heard to our great grief, that in some parts of upper Germany, as also in the provinces, cities, places and dioceses of Mayence, Cologne, Treves, Salzburg, and Bremen, many persons of both sexes, unmindful of their own salvation, and deviating from the Catholic faith, abuse themselves with male and female devils, and by their incantations, charms and conjurations, and by other horrid superstitious sorceries and excesses, crimes and offences, do cause and procure many evils. We therefore as in duty bound, being compelled hereto by our zeal for the faith, &c. do by the tenor of these present, and by our apostolic authority appoint, &c. that it shall be lawful for the inquisitors to imprison and punish the aforesaid persons.”

These letters were confirmed as to the greater part of them, and sent to master George de Casali, inquisitor at Cremona, by Julius II. and were afterwards extended to all the inquisitors of the congregation of Lombardy, by the letters of Alexander VI.

The principal methods of detecting witches, are the accusations of their companions, the effects which their incantations

produce, and the presumptions and conjectures of credible witnesses, as when their companions assert, that they were present at a certain time and place. When distempers and other harms befall men, women, children, cattle, and the fruits of the earth, or when any men or women who are ignorant of the art of physic prevent such evils, or when any one utters a certain threatening against any, and such effects follow, it is to be presumed that such is a witch and dedicated to the devil by a denial of the faith, whereupon the inquisitors may proceed to inflict the torture.

On such grounds have the Inquisition proceeded against persons charged with witchcraft, and by the extremity of the sufferings they have inflicted, obtained numerous confessions of a crime which never had an existence; so that as Ludovicus a Paramo relates, they burnt during 150 years 30,000 unhappy persons for this imaginary offence, he adds, "the inquisitors have most severely prosecuted these most outrageous furies, who have thrown off all humanity, especially in the kingdom of Sicily, where when I myself a few years past, executed the office of inquisitor, many of this kind of apostate witches were discovered and punished.

And first, before they begin the process, there must be some certainty as to the reality of the crime, whether the offence be of that sort which leaves the proper traces behind it. For it hath been observed, that some judges have ordered certain women to be punished with death, for confessing a crime which had never been committed. Thus Ferrerius, reports, that a woman confessed, that in the night she took a certain infant from the breasts of its mother, and carried it into the assembly of the witches, where it was killed by her and her companions. But upon examining the mother of the infant, she declared that no such accident had ever happened to it. Now the reality of the offence is proved by the judgment of skilful physicians, if they do clearly determine that the disease is not natural, but possibly and probably a witchcraft, and there be legal proofs that the witchcraft is committed by the woman.

After this the inquisitor may proceed to imprisonment, first taking advice of the counsellors. After imprisonment he searches her house with a notary, to see what things they can find in the coffers and beds, both for the assistance of the person inquisited, as whether there be crowns,<sup>a</sup> divine services, books of devotion and the like; and for the assistance also of the fiscal; as whether there be any images of wax run through with needles, powders, ointments, papers with crosses, books containing witchcrafts, bones under ground, poisons, bones of dead persons, and all extraordinary things found under the threshold, and in the beds. This search must be made by the ministers of the holy office, in the presence of the notary before the inquisitor. None of the family of the person accused of witchcraft must be present. And here they advise that all unusual things found in beds are not to be looked on as a token of witchcraft; for some such things may naturally happen; and therefore such things can cause but a very light suspicion, unless what they find in the said places are in themselves, and, according to the common use of witches, fit to perform magical operations. As for instance, if half of an human skull is found in the bed or on the pillow of the witch, and another half exactly answering to the former, is found in her chest, a very considerable suspicion would from hence arise against such person, as the prudent judge shall determine, and certainly greater than if no such half skull had been found at all. These and other things, too tedious to mention, the inquisitor is commanded to take prudent notice of, least he should proceed against any person as a witch, rashly, and without just cause.

<sup>a</sup> Consecrated bread made like a crown, or in a round form.

## CHAP. XXII

*Of Jews, and such as return to Jewish Rites.*

THE nation of the Jews, after the destruction of the city and temple of Jerusalem, were brought into miserable bondage and captivity, and dispersed throughout the whole world. Impatient of their miseries, they have, however, often taken up arms, and endeavoured to assert their liberties. But having been subdued by most grievous slaughters, they have at length laid down their fierceness, and are forced to bear the yoke.—The Catholics, partly through fear of the rage of the Jews, and partly through an ignorant zeal for Christianity, have endeavoured either wholly to destroy, by various miseries, this dispersed people, or to tire them out by the grievousness and length of their miseries, and thus to compel them to profess the Christian faith. Upon this account, various edicts have at different times proceeded against the Jews. Some have proscribed them in the countries where they have lived, others have deprived them of their liberties, and reduced them to slavery; others have stripped them of those advantages and privileges which their other subjects have enjoyed, that by these means they might at length be wholly extinguished, or wearied out by the miseries they endured for their Judaism, renounce it, and embrace the Christian religion. Very severe edicts have been made against them, especially in Spain, where a very large number of them dwelt, and were thought to endanger the safety of the kingdom.

In the sixth council of Toledo, this decree was published against the Jews.<sup>a</sup> “We the holy council, with the consent of the most Christian prince, and his nobles, and most illustrious persons, publish this sentence, pleasing to God, that whosoever shall enjoy the kingdom for time to come, shall not ascend the royal throne, before he hath promised upon the holy sacraments, that he will suffer no persons but Catholics to

<sup>a</sup> Simanc. tit. 35. sect. 9.



dwell in his kingdom. And if any one, after his accession to the kingdom, shall rashly violate this promise, let him be Anathema Marantha before the eternal God, and become fuel for the everlasting fire, and also all such who agree with him.”<sup>a</sup> Baronius, under the year 638, says, this was principally decreed out of hatred to the Jews, and bestows great praises on it, and from hence concludes, “It is not without reason that the kings of Spain have had the title of Catholic bestowed on them, being worthy of so high a title, because they not only swear that they will be Catholics themselves, but that they will not suffer any one that is not a Catholic to dwell in their large dominions.” But notwithstanding this decree, a great many Jews remained in Spain, and soon encreased to such a number, that they began to appear formidable to the kings, and they were accused, whether right or wrong, of a design to raise a rebellion. Upon which account another edict was made against them in the seventeenth council of Toledo.<sup>b</sup> “Since the perfidiousness of the Jews hath not only defiled the coat of sacred Christian baptism which they have received, but also attempted to conspire against the king and kingdom, let them be deprived of all their effects, and those perfidious wretches themselves, their wives and children, and the rest of their posterity, throughout all the provinces of Spain, be subject to perpetual slavery, and remain every where dispersed; and let such who have made slaves of them, by no means permit them to celebrate their ceremonies.” Yet still the posterity of the Jews greatly multiplied in Spain.

In the mean while the Romanists contend, that the Jews ought not to be compelled by force to embrace the Christian religion against their will, because religion ought to be voluntary, yea, sometimes they have been protected by the papal authority, against the injuries of some intemperately zealous Catholics.

Thus pope Innocent III.<sup>c</sup> published a constitution for not oppressing the Jews. The papists also farther contend, that

<sup>a</sup> Can. 3.

<sup>b</sup> Can. 8.

<sup>c</sup> Bzovius, A. 1200. sect. 13.

although they oblige the Jews in Spain and Portugal, to depart thence, unless they embrace the Christian religion, yet they do by no means force them to become Christians; and therefore Osorius and Mariana blame king Emanuel, who kept the younger children of the Jews against their parent's will, and compelled the Jews by a severe bondage to receive baptism; and they say that this action is neither agreeable to law or religion. Can any one believe that these people speak seriously, who by so many methods cruelly distress the Jews, that they may force them, thus broken by meries, of which they see no end, to embrace the Christian religion? <sup>a</sup> For it is owing to this that so many amongst the new converts are found to be Jews in their hearts. Hence it is, that they themselves always sus-

<sup>a</sup> During the reigns of kings D. Emanuel, and D. John II. the Jews were forced, by the intrigues of the priests, to be baptized, in order to avoid the great persecutions then instituted against them; but afterwards the same priests took occasion, from their baptism, to confer a title of infamy on the Jews, by calling them, in a way of contempt, *New Christians*; and what is still worse, considering the same thing in the light of a crime, for the least act, or suspicion of an act, against religion, was fully sufficient to subject such unhappy person to imprisonment in the inquisition; and it was at the same time alleged against him, that he was a new Christian. He was then told in the tribunal, that it was his duty to confess every thing comprised in the information against him, if he wanted to save his life, without informing him what the crimes were of which he was accused; consequently the poor wretch accused himself of every thing that his imagination could conceive, to make his evidence credible, without caring what crimes he heaped together on his own head, under the impression, that if he were to deny the justice of the information against him, and refuse to reply to the accusation, he should be burnt alive as negative, but by becoming his own accuser, he might have his life spared. Such a prisoner was of course tried and condemned on his own accusation, and in his sentence at the *Auto da fe*, declared guilty of the crime of Judaism, and adjudged to penance, and the confiscation of all his property, for the use of the holy office. This practice continued from the establishment of the Inquisition in Portugal, to the reign of king D. Joseph.

The power of the Inquisition was, however, considerably abridged during the ministry of the Marquis Pombal, who meditated its total destruction, when the Jew's law was enacted, forbidding the disgrace of the title new Christians, as applied to baptized Jews or their descendants. Notwithstanding the justice of which, one of the goalers of the Inquisition dared to intimate to me, that this irreligious law was procured by the Jews by an immense bribe.

Vide Da Costa's Narr. v. i. 155.

pect the new Christians, viz. such who are converted from the Jews and Saracens, and desire that their posterity may be always separated from the posterity of the old Christians.

Sometimes, also, they have openly persecuted the Jews, and compelled them to become Christians. Sethus Calvisius relates from Cedrenus, under the year 722, that Leo the emperor forced the Jews to embrace Christianity; but that they afterwards either renounced their baptism, or shut themselves up in their houses, and burnt themselves with all their families.

The Inquisition, say they, was not introduced to compel the Jews to the Christian religion; because, as they are not baptized, and have not professed the faith of Christ, they cannot be said to be heretics or apostates, and therefore are not subject to the jurisdiction of the inquisitors. For the church doth not judge of those that are without, and the jurisdiction of the inquisitors is only granted them against heretical pravity and apostacy. The Inquisition, indeed, in Spain, is introduced against those, who, being converted from the Jews or Mahometans, to the Christian religion, return again to Judaism or Mahometanism, and give such marks of their apostacy as are capable to convict them. Such a one, as well as a Christian, that goes over to the Jewish rites, may be punished by the inquisitors as any other heretic or apostate. And in order to prove this crime, they admit the testimony of Jews; and when it is legally proved, they are by the royal laws of Spain delivered over, as relapsed and impenitent, to the fire.

Pope John XXII. also, as Bzovius relates under the year 1319,<sup>a</sup> by a letter, No. 190, renewed the constitutions of Clement IV. and other his predecessors, and by severer laws increased the power given to the inquisitors against them; commanding that they should gather together and burn all the books of the Talmud, and punish those who were convicted of execrable blasphemies. In the month of December following,<sup>b</sup> by the command of Friar Bernard Guido, inquisitor of heretical pravity, the books of the Jews called the Talmud, were, as many of them as could be found in the possession of the

<sup>a</sup> Sect. 9.

<sup>b</sup> Tholos. Inquisit. fol. 136.

Jews, burnt at Tholouse, after it had been declared by sworn examiners, skilful in the Hebrew tongue, that they contained errors and blasphemies against the Lord Jesus Christ, and his most holy mother, the Virgin Mary.

In the kingdom of Valencia,<sup>a</sup> the inquisitors may proceed against the Jews or Saracens, or other unbaptized infidels, dogmatizing amongst Christians, especially against the Alfaquins, or those who hinder the office of the Inquisition, or circumcise boys, or are receivers of heretics, or who compel any one to deny the faith, or persuade them to use their rites or public ceremonies. But yet others think that a Jew, who says to a Christian, “La fede vostra e fede di Cazzi,”<sup>b</sup> i. e. Your faith is the faith of a ———, or who throws dirt upon the cross which is carried in the litanies, ought not to be punished by the inquisitors, but by the secular judge.

And, finally, Gregory XIII. A. D. 1581,<sup>c</sup> published a constitution, beginning, *Antiqua Judæorum improbitas*, by which he granted power to the inquisitors of heretical pravity, freely to proceed against the Jews in the following cases: “If they deny matters of faith common to them and Christians. If they invoke devils, or sacrifice to them. If they teach any Christian these things, or bring them to them. If they speak heretical blasphemies. If they pervert a Christian from the faith. If they hinder infidels from coming over to the faith of Christ. If they knowingly receive an heretic, or give him assistance. If they keep heretical books, or talmudical, or any other Jewish books any ways condemned. If they deride the salutary host, or the cross, or the like things, or Christians. If they keep Christian nurses, or shall compel them from the day in which they received the sacrament of the Eucharist, to throw their milk into the jakes.”

But especially in the kingdom of Spain and Portugal, the Inquisition is introduced to detect and punish those who, being Jews, have embraced the Christian religion, and witnessed their profession by the solemn receiving of baptism, and have afterwards turned again to Judaism.

<sup>a</sup> Royas, p. I. sect. 552.

<sup>b</sup> Cazzi is an obscene word.

<sup>c</sup> Camp. Bul. par. 2. p. 178.



There are several signs by which it may be collected,<sup>a</sup> that a person is revolted to Judaism. Anciently, the converted Jews themselves allowed, that it might be known by certain marks, which of them were not sincerely converted to Christ, but cherished Judaism in their heart in a certain ordinance, made in the name of the king of Spain, about the year 653.<sup>b</sup> In which they promise entire devotion to the Catholic faith, and vow entire separation from their own nation, declaring for themselves and their posterity, that they will neither marry with the Jews, nor observe any of their customs, as of circumcision, and particular foods, as swine's flesh, &c. concluding thus:—"We swear by the same Father, Son, and Holy Spirit, who is one in trinity, and the true God, that whosoever of us shall be found a transgressor of all or any of these things, he shall perish with new flames or stones."

But Pegna is of opinion, that a more certain suspicion of secret Judaism arises from other observed rites of the Jews, viz. from too intimate conversing with them, by frequenting the places in which they dwell, and especially the synagogues, by the observation of the sabbaths, and many other things, than from their abstinence from swine's flesh, which may be either unpleasant to the taste, or nauseous to the stomach. This consideration particularly affects the new converts, who, through custom, cannot be supposed easily to relish swine's flesh, or other meats forbidden them before their conversion. But this doth not hold as to their children and grandchildren, and other descendants, who cannot be supposed to abstain from these things for any other reason, but their reverence and approbation of this accursed sect, because the reason of custom cannot be pleaded in their behalf, though it may as to those who are themselves converted.

Amongst other signs of secret Judaism, the name that a person takes is accounted one. For they say it is customary amongst the Hebrews, frequently to give the same name to those who come over or return to their sect, which they had before they

<sup>a</sup> Pegna, com. 25. in 3. part. Eymer.

<sup>c</sup> Leg. del Fuero Jugo. lib. 12.

were baptized. If therefore any person, after baptism, in which he put off his old Jewish name, and took the name of some saint, according to the custom of Christians, shall take it again, or some other name familiar and usual amongst the Jews, it will be a presumption that he approves Judaism.

In how many, and in what cases, the Jews and other infidels are subject to the power of the inquisitors, Gregory XIII. hath largely declared, A. D. 1581, by a rescript, beginning, “*Antiqua Judæorum.*”

As to the punishments of such offending Jews,<sup>a</sup> their crimes are distinguished into three sorts. Some of them are common to them and Christians. Others are against the Christian or rather Popish faith. And, lastly, others against their own faith, which are not to be treated of here.

As to crimes of the first sort, respecting them as well as Christians, such are declared heretics who deny God to be Almighty. If they confess that they said and believe this, they are compelled to abjure as for formal heresy. If they confess they said it, but deny that they believed it, they must be tortured as to their intention, and be made to abjure as well as Christians, according to the degree of the suspicion, whether light or vehement.

As to crimes of the second sort, they are tortured only to get out the truth, and discover their accomplices. For in these things they are not truly heretics; but because they grievously offend against the Christian or Popish faith, they are usually punished in a very severe manner, and in this case they are not compelled to abjure, because the church doth not compel them to the faith.

The punishments which the inquisitors inflict upon the Jews<sup>b</sup> who offend in the aforesaid cases, are various, and lighter or

<sup>a</sup> Carena, p. 2. t. 14. sect. 18.

<sup>b</sup> A Portuguese Jew, whose father had been burnt alive for Judaism, fled into Holland. This man had not yet been instructed in the law of Moses, and behaved in every respect like a good Catholic, till this dreadful execution, when he saw his father expire in the flames with all the constancy of one of the ancient martyrs; which made so deep an impression on him, that

heavier, according to the nature or degree of the crimes, viz. privation of all conversation with Christians, fines, perpetual imprisonment, whipping, and also to be delivered over into the power of the secular arm.

he instantly conceived such an aversion to the principles of Christianity, as to renounce it, giving this reason, that a religion which authorized such barbarities, could not possibly be good.      Letters on the Inq. &c. 42.

END OF BOOK III.



# HISTORY

## OF THE

# Inquisition.

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### BOOK IV.

OF THE MANNER OF PROCEEDING BEFORE THE TRIBUNAL OF  
THE INQUISITION.

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### CHAP. I.

*How the INQUISITOR begins his Office.*

IT now remains that we give an account of what relates to the execution of the inquisitorial office. This will be a more difficult task, because, although the inquisitors are bound to certain laws, yet many things are left to their pleasure. Besides, the very application of the laws to particular cases, which come before the inquisitors, and also, the method of proceeding and drawing a confession from the prisoners, depends very much on their will. Hence it comes to pass, that although all the inquisitors are directed by certain general laws, so that one and the same general method of proceeding is observed by all, yet, as to many circumstances, the method is very various and different, which besides cannot be so fully explained, because the inquisitors learn many things rather by use and practice, than by instruction and precepts; especially, considering that they oblige all persons by oath, whom they dismiss from the prison of the Inquisition, to silence; that the secrets of the Inquisition, as though they were the mysteries of Ceres, may not by any means be revealed.



When the inquisitor is first constituted by the pope,<sup>a</sup> he must present himself to the king, or temporal lord of those territories, in which the inquisitor is deputed by the apostolic see, and exhibit his apostolic commission. Then he must demand his protection for himself,<sup>b</sup> his colleague, notary, servants, and their effects, and his orders to his officials to obey the inquisitor in apprehending heretics, their believers, receivers, defenders, favourers, and such as are defamed for heresy; and that they do all and singular matters that belong to their office, in making execution against the aforesaid, to extirpate heretical pravity, and to extol the Catholic faith, whensoever, and as often as they are required by the inquisitor, or in his name.

When he hath obtained these letters, he must likewise exhibit his apostolic commission to the archbishop and metropolitan of the province to which he is deputed; as also to all the bishops and their vicars, to whose diocesses he is sent.<sup>c</sup> After this he must shew the letters which he hath obtained from the king or temporal lord of the place, to his officials, and require of them, according to the law of the emperor Frederick, that at the desire of the inquisitor, or other Catholic men, they will apprehend heretics, and when taken, strictly keep them, till being condemned by the ecclesiastical censure, they perish with an accursed death.<sup>d</sup> Finally, he takes an oath from these officials, for their defending the church against heretical pravity, and that they will obey the inquisitor with all their might, for which end he summons them before him by letters.<sup>e</sup> If they appear, he proposes the form of the oath to them.<sup>f</sup> If they consent to take it, they must do it publicly in the church, or in some other place appointed for that purpose, upon their bended knees, and their hands upon the book of the gospels.<sup>g</sup> If the officials desire time to consider, and refuse, after the expiration of it, to take the oath, the inquisitor, a few days after, must cite them before him, and demand of them to take the oath, under the penalty of excommunication. If they appear within the fixed term, and consent to swear, the same form of the oath is shewn them. If they do not appear, after the said

<sup>a</sup> Direct. Inq. p. 3. n. 1.<sup>b</sup> Ibid. n. 2.<sup>c</sup> Ibid. n. 4.<sup>d</sup> Ibid. n. 5.<sup>e</sup> Ibid. n. 6.<sup>f</sup> Ibid. n. 8.<sup>g</sup> Ibid. n. 10.

time is elapsed, they are declared excommunicate, and the excommunication is ordered to be published in the cathedral church. After the denouncing the excommunication, they are absolved from the sentence of it if they will take the oath, and enjoined some hard arbitrary wholesome penance, as shall be most conducive to the honour of the faith. When their absolution is given, they are denounced free from excommunication. However, they cannot be absolved, unless they first take this oath, at the command of the inquisitor:—"I swear that I will obey the commands of the church." Or thus: "I swear that I will stand to and obey thy commands."

But if they abide under this sentence of excommunication two or three months, the processes are aggravated, and they are commanded to be denounced publicly excommunicated in the aforesaid churches, with lighted candles thrown on the ground, or put in water, and the bells rung once or oftener in a week or day. If, without being terrified by this excommunication, they refuse to take the oath, they are not only excommunicated, but all who have any manner of converse with them, who eat, drink, or talk with them. If, nevertheless, they persevere in their contumacy, their lands are put under an ecclesiastical interdict.<sup>a</sup> If, after this, they will not take the oath, they are deprived of the honour and office of government, as infamous favourers of heretics, and suspected of the faith, and are condemned to be never hereafter admitted to any public office or dignity;<sup>b</sup> and whatsoever they do after this is null, according to the chap. *Ad abolendam*,<sup>c</sup> and chap. *Ut officium*.<sup>d</sup> And this sentence is commanded to be published by those who have the cure of souls in the cathedral and other churches. If the city or place acquiesces in the sentence, and deprives such persons of their offices, others are chosen in their room, who, before they are admitted to the discharge of their office, are bound to take the oath which the others have refused. But if the city doth not submit to the sentence, but supports their officials, though deprived of their offices by the inquisitor,

<sup>a</sup> Direct. Inq. part 3. n. 27.

<sup>b</sup> Ibid. n. 33.

<sup>c</sup> Sect. Statutus. extrav. de hæret.

<sup>d</sup> Sect. Statutus. lib. 6.

he may cut it off from all communication with other cities, and deprive it of the episcopal dignity. But they think it better to acquaint the pope with the contumacy of such a city, that he may order in what manner to proceed against it.

At this day the inquisitors in Spain,<sup>a</sup> when they enter upon a province or city, where they never were before, must in the first place shew their letters of delegation, by which they are created inquisitors, to the chapter of the greater church, and consistory of the city, that it may appear that they are judges of the causes of heresy.<sup>b</sup> And such who have offended as recited must be proscribed by the inquisitors, and apprehended and punished by the royal hand.<sup>c</sup>

But if the officials, terrified by the more grievous denunciation of the inquisitor, take the oath, they are freed from their excommunication, but receive an heavy penance, which is always increased, according as their contumacy is longer or more aggravated. In their first penance they are enjoined to stand in the gate of the church, or on the steps before the altar, on several Sundays, or holy-days, whilst the greater mass is saying, and there is a large concourse of people, without hat or shoes, and to hold in their hands a wax taper, of a certain weight, and to offer it to the priest when the mass is ended. Or they must do this always, or at some certain time, when it happens that the inquisitor makes a general sermon for the faith. Other milder punishments may be also thought of; for instance, some larger almsgiving, the building some holy place, and the like.<sup>d</sup> But if they persist longer in their contumacy, there is somewhat added by way of penance, which directly turns to the honour of the Christian faith.

During these transactions,<sup>e</sup> whether the oath be taken or not, the inquisitor may and must appoint, in every bishopric, one commissary of forty years old, a religious or secular clergyman, a wise and prudent person, famous for knowledge and good manners, and zealous for the holy faith, with a power of re-

<sup>a</sup> Simanc. tit. 44. sect. 1.

<sup>b</sup> 1 Instruct. Hispal. cap. 1.

<sup>c</sup> Pegna, in Direct. p. 432. n. 16.

<sup>d</sup> Ibid. n. 24.

<sup>e</sup> Ibid. n. 37.

ceiving denunciations, and informations or accusations, from or against any persons whatsoever, and of proceeding and doing other things, which the inquisitor himself, if present, could do.



## CHAP. II.

### *Of the Promulgation of the EDICT of FAITH.*

THE commissaries thus appointed or not,<sup>a</sup> the inquisitor appoints a general sermon, according to the prescript of the council of Biterre.<sup>b</sup> “And then, calling together the clergy and people, and propounding to them the word of God, declare the command that is given you, and the cause of your coming, reading the letters, by authority of which you are to proceed, even as you know you ought to do.” And that there may be no hindrance to the offices of the church, he must not appoint this sermon on a solemn festival. but on the common Sunday, excepting Lent, or the Advent; and must take care that the rectors of the churches have these letters of indiction on Sunday, that the Sunday after they may appoint the general sermon to be the Sunday following.<sup>c</sup> And that the solemnity of that day may be the greater, all other sermons on it must be suspended; and it must be notified to all the heads of religious houses, and indulgencies of forty days promised to all who come to the sermon. When the Sunday before that on which the general sermon is to be made, comes, the inquisitor must admonish the heads of religious houses, that two or four of each order be present at the said sermon.

On the Sunday appointed,<sup>d</sup> the inquisitor makes the general sermon to the people, in which he speaks concerning the faith, commends it, and exhorts the people to the defence of it, and the extirpation of heretical pravity. When the sermon is ended, he admonishes the people, that it is their duty to disco-

<sup>a</sup> Pegna, in direct. n. 47.

<sup>c</sup> Pegna, in direct. n. 50.

<sup>b</sup> Cap. 1.

<sup>d</sup> Ibid. n. 51.



ver it to the inquisitor, if they have known any person that hath spoken or done any thing against the faith, or who holds any error. After this admonition he commands monitory letters to be read from the pulpit by his notary, or some other clergyman,<sup>a</sup> by which all persons, of whatsoever condition or state, clergy or laity, are commanded, under pain of excommunication, to discover to the inquisitor, within six or twelve days next following, any heretic, or person suspected of heresy, that they know. These monitory letters are called an edict of the faith, and usually read out of the pulpit.

In many places, but especially in Spain,<sup>b</sup> it is the custom, that when the sermon of the Catholic faith is ended, all promise upon oath, before the crucifix and gospels, that they will give favour, help, and counsel, to the holy inquisition, and the ministers of it; and that they will by no means, directly or indirectly, hinder them. This oath the magistrates of cities must particularly take, which must be registered amongst the acts by the notaries of the Inquisition.<sup>c</sup> This oath the inquisitor may force them to take, and will do it when he thinks fit. In all other cases he must follow the received custom of the city where he is, to prevent innovations, and that there may be no hindrance in this cause.

After the sentence of excommunication is read,<sup>d</sup> the inquisitor explains it more distinctly, and reduces it to several heads.—Then he publishes an indulgence of forty days to all who come to his sermon, and promises, in the name of the pope, indulgences for three years, to all who give him counsel or favour in his office of reducing heretics. He also adds three other years of indulgences to those who discover to him any heretic, or person defamed for heresy, or suspected, or who in any other case bear true witness before him in a cause of faith, according to the privilege of Urban IV.

Finally, he assigns a time of grace to all heretics,<sup>e</sup> and their favourers, and persons suspected of heresy, viz. the entire

<sup>a</sup> Pegna, in direct. n. 52, 53.

<sup>b</sup> Pegna 3, part. com. 12. Simanc. tit. 44. sect. 2.

<sup>c</sup> 1 Instruct. Hispal. cap. 1, 2.

<sup>d</sup> Direct. p. 3. n. 54, 55

<sup>e</sup> Ibid. n. 56.

month following, and promises, that if within that space they come to him freely, or not admonished, by name, and do not wait till they are denounced, accused, or apprehended, and voluntarily discover their guilt, and ask pardon, they shall obtain large pardon and mercy, viz. freedom from death, imprisonment, banishment, and confiscation of effects, according to the determination of the council of Biterre.<sup>a</sup> “Farther, do you command that all, who know themselves or others to have offended in the crime of heretical pravity, do appear before you, to speak the truth, assigning them a competent term, which you usually call the time of grace, who otherwise would not have had such grace shewn them. And such who appear within this term, and are penitent, and speak the whole truth of themselves and others, let them be free from the punishment of death, imprisonment, banishment, and confiscation of effects.” However, this power of granting pardon is allowed the inquisitors only when they are sent to a city or diocese,<sup>b</sup> in which the Inquisition is first erected,<sup>c</sup> but not when upon the death or removal of an inquisitor, another is put into his place. In Spain also the letters patent of such grace must be inserted in the edict.

### CHAP. III.

#### *Of the Obligation to denounce every HERETIC to the INQUISITORS.*

THE publication of the edict of faith is repeated every year, and all are obliged under penalty of excommunication, to be present at the publishing of it, and at the general sermon concerning the faith, unless they are prevented by sickness, age, or any other hindrance, and can make a legal excuse.

<sup>a</sup> Cap. 2.

<sup>b</sup> Pegna, com. 12.

<sup>c</sup> Instruct. Hispal. A. D. 1484, cap. 1, 2, 3.

The oath which all persons, not only private, but magistrates, are compelled by the inquisitors to take, obliges them not to obstruct the office of the Inquisition, either directly or indirectly. Such are believed to obstruct it indirectly, who do not reveal the truth they know, i. e. do not accuse to the inquisitor every one they know to be an heretic, or suspected of heresy. So that in Spain they are doubly obliged to accuse to the inquisitor every heretic, first under penalty of excommunication, which they incur if they are wanting in their duty ; and secondly, by their own oath.

In order therefore to excite all persons to turn accusers, the popish doctors lay the greatest stress they can upon this obligation to accuse. Camillus Campegius,<sup>a</sup> after laying together the testimonies of several doctors, teaches, that every one is obliged to accuse and testify, and that according to Cajetan, he is bound to it as necessary to salvation ; if there be no other way of preventing the general danger but by this method, and then concludes in these words : “ these things ought so to excite every faithful and Catholic person, as to engage them willingly to accuse or denounce and bear witness, for the common good of the Christian religion, without the admonition, citation or punishment of the judge. Though this ought to be observed in all cases, yet it ought to be done with greater arduency in the affair of the Christian faith, since hereby we not only avoid the most severe punishments, but secure incomparable rewards, through the bounty of the supreme God, and the favour of his holy church.

Nor is there any regard to kindred in this affair. For the brother is bound under the same penalty to accuse his brother, yea, the wife her husband, and the husband his wife, if guilty, or suspected of heresy. Pegna<sup>b</sup> however thinks, that the wife is to be excused, if she doth not accuse her husband for eating flesh on prohibited days ; if the husband be a violent man, and she is afraid of ill usage from him. In all other cases he thinks the wife is obliged to accuse her husband.

<sup>a</sup> In Zanchin. a. 13. d.

<sup>b</sup> Direct. p. 2. com. 78.

Ludovicus a Paramo tells us,<sup>a</sup> that Lewis de Carvajal, although governor and captain general of the province of Tampico and Pamico, was forced to walk out in public penance, because he did not denounce four women, who were secretly Jews, and to whom he was uncle; and that though a little before he had the honourable title of president, he was forced to hear his ignominious sentence publicly, was for ever deprived of all offices under the king, reduced to the lowest misery, and through grief and weariness of his life, soon went the way of all flesh.

It is disputed amongst the popish doctors,<sup>b</sup> whether a son be obliged to accuse his father, who is a secret heretic, or at least to discover him to the judges. The general opinion is, that he is obliged to it. But others think differently, because there is no law, natural, divine, or human, that lays such a burthen on the shoulders of children. And yet even such who are of this opinion, confess the son may do it, especially if the father be incorrigible. Yea, think such a son ought to be commended who conquers his natural love, and overcomes this most strong affection, from an ardent love to divine religion. He must however try every method before he accuses his father to the judge. But yet they teach, that there are two cases in which the son is obliged to betray his heretical father to the judges. The first, when the son is legally interrogated by the apostolic inquisitors; the second, when the father's heresy is dangerous to the common-wealth.

And from this obligation to accuse,<sup>c</sup> no one is freed, of whatsoever order and dignity they may be. For the edict of faith obliges all. So that they will have neither princes nor kings themselves exempted. Ludovicus a Paramo proves this by a famous instance. Joan the daughter of the emperor Charles V. was cited by the inquisitors to be interrogated before them, against a certain person concerning some things relating to the faith. She consulted her father, who advised

<sup>a</sup> L. 2. t. 2. c. 21. n. 16.

<sup>b</sup> Simanc. de Cathol. Instit. tit. 29, sect. 35, &c.

<sup>c</sup> Ibid. Lib. 3. qu. 5. n. 40.



her to make her deposition without any delay, least she should incur excommunication, not only against others, but even against himself, if she knew him to be blameable in the least manner. Joan obeyed this command of her father, and immediately deposed before Ferdinand Valdez, arch bishop of Seville, at that time bishop and inquisitor general.



#### CHAP. IV.

*Of such who voluntarily appear, and the Grace shewn them.*

“IT is the present custom in Spain<sup>a</sup> for one of the inquisitors in these acts, to visit the province, and to propose general edicts wherever he goes, by which he commands under penalty of excommunication, that whosoever knows of any thing done or said against the Catholic faith and evangelic law, he must immediately discover it to the inquisitor. Whatever is reported, must be secretly written down by the notary of the inquisitors. The other of the inquisitors remains in the city in which their residence is fixed, and must preside, in ordering the acts of causes. But if there be no occasion for his residence there, that he may not sit idle, he must visit in the same manner the other part of the province.<sup>b</sup>

“This visitation and general Inquisition the inquisitors must make,<sup>c</sup> each in his turn, through all the cities and corporations of their province; and if they are negligent in this affair, they must be deprived of their office. In this visitation the inquisitors may compel all those whom they judge proper, to swear and bear witness,<sup>d</sup> and must take particular care not to be entertained by those who are related and akin to Heretics, Jews, and Mahometans, which must also be observed by their ministers. Nor must they receive any gratuity from the persons where they lodge, because they are to be content with their sa-

<sup>a</sup> Simanc. tit. 44, sect. 4.

<sup>b</sup> 5 Instruct. Hispal. cap. 2.

<sup>c</sup> Simanc. tit. 44, sect. 5.

<sup>d</sup> Ibid. sect. 6.

laries, and because sometimes an intimate friendship is contracted by this means."<sup>a</sup>

Whilst one of them is visiting the province,<sup>b</sup> the other inquisitors stays at home, that all who come voluntarily may have access to him. If they come within the appointed term, and accuse themselves, he treats them more gently. He must not however admit them after the manner of sacramental confession, but after the manner of confession in a judicial court; so that they must declare their crime before the inquisitor, and the notary take down their confession.

However, such as come voluntarily, are far from escaping all punishments, but are either treated kindly at the pleasure of the inquisitor, according to the quality of their persons and crimes, or else condemned to pay a fine, or give alms, or some such works of charity. But if they wait till they are accused, denounced, cited or apprehended, or suffer the time of grace to slip over, they are pronounced unworthy of it.



## CHAP. V.

### *Of the three Methods of beginning the Process before the Tribunal of the INQUISITION.*

IF any appear within the term assigned to discover heretics, &c.<sup>c</sup> to reveal to the inquisitor certain matters relating to the faith, such denunciations<sup>d</sup> must be received judicially. If so great a number appear, that the denunciation of all cannot be taken judicially, the inquisitor must provide himself with a distinct book in every diocese, to write down in it all the denunciations brought to him, the names of the denouncers and

<sup>a</sup> 8 Instruct. Tolet c. 19.

<sup>b</sup> Direct. part. 3, sect. 58.

<sup>c</sup> Direct. p. 3. n. 68.

<sup>d</sup> There is this difference between a denunciation and an accusation. A denunciation doth not disable the person that makes it to be a witness, as an accusation doth.

witnesses, and the town and place where they dwell; which book he keeps privately to himself, that the names of the denouncers may not be discovered, and they thereby come into any danger.

When the time of grace is elapsed,<sup>a</sup> the inquisitor must carefully examine the informations, viz. which have the greater appearance of truth, and which crimes are more heinous and prejudicial to the faith. Where this appears he begins to make Inquisition, by citing the informer, giving him his oath, and taking the best information from him that he can. If he finds no appearance of truth, he over-rules it, but however must not cancel the information out of his book, because what may not be discovered at one time, may at another. If he finds an appearance of truth, he makes farther inquisition.

Now there are three ways of proceeding and beginning the process.<sup>b</sup> First, by accusation, which must be preceded by inscription.<sup>c</sup> Secondly, by denunciation, which must be preceded by a charitable admonition. (But it is now the custom in Spain, that heretics, although concealed, must be immediately discovered to the judges, without any brotherly correction. So that those who, under pretence of brotherly correction, do not discover secret heretics to the inquisitors, and those who advise them not to do it, are punished as concealers of heretics, [and as hinderers of the office of the holy Inquisition.] Thirdly, by Inquisition, which must be preceded by notorious suspicion.<sup>d</sup> This Inquisition is either general or special. The general is whensoever the inquisitors visit their province, or when being newly created, they go to the provinces decreed to them, and begin to exercise their inquisitory office. For then they publish general edicts, to enquire out secret and uncertain heretics, for the exercise of which there is no need of preceding infamy. But the inquisitors are obliged, *ex officio*, thus to act at certain stated times.

<sup>a</sup> Direct. p. 3. n. 65.

<sup>b</sup> Simanc. t. 19, sect. 16.

<sup>c</sup> Inscription is a certain instrument, by which the accuser, if he fails in his proof, binds himself to undergo the same punishment, which the accused person must, if the crime he is accused of be fully proved.

<sup>d</sup> Pegna in Direct. p. 3. Com. 16.

A special Inquisition is a certain right of proceeding by office to condemnation and punishment, against certain persons inquired by name, defamed for particular crimes, to which the judge cannot proceed without preceding infamy, which supplies the place of an accuser. However, in the crime of heresy, the inquisitor may act upon signs and probable suspicions, where there is no preceding infamy, and even where he is not sure of the body of the offence, because heresy is a crime that leaves no traces after it. But in this case he must proceed cautiously, and very privately, that no person's reputation and honour may be injured.

But of these three methods of proceeding,<sup>a</sup> the first, by way of accusation, is not used; the second, by formation, although common and usual, yet seems rather to be the beginning than the completion of the whole process; because upon information given against those who are guilty of high treason against the divine majesty, to the judges of the faith, they begin to inquire and to proceed, and in this whole affair the Inquisition claims to itself what is otherwise done chiefly by witnesses. And therefore the judges are called inquisitors, and the tribunal and ministers are said to be of the office of the most holy Inquisition, from this third method of proceeding by Inquisition.



## CHAP. VI.

### *How the Process begins by way of INQUISITION.*

WHEN the process is made by Inquisition, he who goes to the inquisitor says, that he doth not appear as an accuser or denouncer, but only relates to him that there is such a report, and that it hath frequently come to the ears of the inquisitor from grave and reputable persons, that such a one hath done or said some things against the faith, and the public report

<sup>a</sup> Pegua in Direct. p. 3. Com. 16. sect. 3. n. 6.



plainly discovers the common insinuation. And by this means the process is carried on.

Then the inquisitor causes certain witnesses to be cited,<sup>a</sup> especially grave and reputable persons, and in the presence of a notary, and two religious, or otherwise reputable persons, inquires of them only concerning the report. Whether it is the common report of such a one, that he did or said such things against the faith? How they know there was such a report? How long such report hath been? Whether they know such person to be defamed? Whether they know whence the report arose? Whether from ill disposed persons or others? And the like.

This is the command of Innocent.<sup>b</sup> Hence we may gather how infamy is proved. For the witness must say, that the person under consideration is defamed of such a crime. And when it is inquired of him, in whose account he is infamous, he must answer with such and such; and unless he assigns them, he doth not appear to give a good reason of what he says. Besides, it cannot be known whether they are serious or ill disposed people.

When the report is thus proved,<sup>c</sup> the inquisitor proceeds to inquire out the truth of the affair. For this purpose he causes the witnesses to be cited, and especially such as have been intimate with the person accused, and other reputable men, and zealous for the faith; and after giving them their oath, he inquires of them, not concerning the report, but the thing itself, in presence of the notaries, and two religious or reputable persons. After this he proceeds to draw out a confession from the criminal himself. And first he goes to the place of the Inquisition, where, when the criminal appears before him, he tells him that he is excited and moved by the fame and frequent reports, that he the criminal appearing and standing before him, hath taught, written, or publicly declared certain things against the truth of the Catholic faith, or that he hath believed and favoured such who teach these things, or received or defended

<sup>a</sup> Direct. p. 3. n. 79.

<sup>b</sup> Cap. Qualiter and quando, de Accusat.

<sup>c</sup> BRUNNUS de hæret. l. 4. c. 7, sect. 10.

them. That therefore he, according to his office, cannot dissemble that there is such a report; however, that he will not condemn him, till these crimes are legally and plainly proved before him.

If the criminal be not defamed of the crimes laid in the articles of the Inquisition, and he makes this exception, the promotor fiscal and the denouncer must necessarily prove the defamation.

If this cannot be done,<sup>a</sup> the criminal is absolved from all farther concern in judgment. He may also prove himself to be a person of good report. For instance, if he is accused of being defamed for defending the doctrine of an heretic, by some writing that he published, he may prove that he confuted such doctrine by writing against it; or if he be accused of harbouring an heretic, in some house belonging to him, he may prove that he hath no home in that place, nor ever had since such person hath been taken for an heretic. He may likewise object, that such evil report was raised of him by loose and infamous persons, enemies, conspirators, and the like.

But if the inquisitor proceeds and inquisits not at the promotion,<sup>b</sup> denunciation or instance of another, but *ex mero officio*, the criminal is not to be heard when he excepts, that he is not defamed of the crime objected to him; nor is the judge obliged to regard such infamy; for there is no person who can oblige him to do it, unless the criminal appeals. In this case the judge must inform his superior of the infamy of the appellant. If also any one departs from the common conversation of the faithful in divine worship, he is not to be heard, if he alledges that he is not defamed. For Inquisition may be made against him without infamy.

<sup>a</sup> Brunus de hæret. l. 4. c. 8. sect. 11,

<sup>b</sup> Ibid. sect. 12.

## CHAP. VII.

*How the PROCESS begins by Accusation.*

WHEN the accuser reports to the inquisitor any crime committed by another, and the accusation hath the appearance of truth, they proceed in this manner, according to the instruction of Eymerick, which hath been long observed.<sup>a</sup> First, the inquisitor inquires, whether the accuser will accuse, and proceed in the affair by way of accusation, or not? If he says he will proceed by way of accusation, he is to be admonished by the inquisitor, that he renders himself liable to the punishment of retaliation, unless his proof be good. But this method of proceeding the inquisitor must not easily allow,<sup>b</sup> because it is not customary in a cause of the faith, and because it is very dangerous, and greatly difficult to the accuser. But if the accuser persists, he must give his accusation in writing,<sup>c</sup> which must be written by the notary, in order to begin the process. But others contend, that in the crime of heresy it is not necessary that a person should oblige himself to the law of retaliation. And as they now seldom admit the person of an accuser, they have constituted a public minister, whom they call the fiscal, who sustains the person of the accuser, and accuses the criminals, who doth not oblige himself to the punishment of retaliation, nor any others which false accusers usually suffer.

Formerly, when the process was carried on at the instance of the accuser, after the accusation was made before the inquisitor, the inquisitor commanded the accuser to produce the names of his witnesses, who being cited by the inquisitor, are strictly examined upon oath.<sup>d</sup> If what they depose doth nothing concern the fact, the inquisitor must advise the accuser, to withdraw the word accusation, and put in the room of it denunciation, that so the inquisitor may proceed ex officio, and not at

<sup>a</sup> Direct. part. 3.<sup>b</sup> Ibid. 67.<sup>c</sup> Pegna, Com. 14.<sup>d</sup> Ibid. 71.

the instance of the party, because so very dangerous to the accuser. But if the proof of the witnesses be full, the inquisitor produces them, and giving them their oaths upon the four gospels to declare the truth, which he can oblige them to take if they refuse it, strictly examines them in a judicial manner before the notary and two religious persons, or otherwise reputable. Then he interrogates them concerning sundry things, as, Whether they know such a one? As to the occasion and time of their knowing him? Concerning his character? Whether they have seen, or heard him say, or do any thing against the faith, and what that was? Where they saw him, how often, and who present? In what manner he said those things, whether in jest, or by way of recital, or whether with a deliberate mind, and by way of assertion? And finally, Whether they depose these things through hatred or rancour? Or, whether they omit any thing through love or favour? The answers of the witnesses to all these questions are taken down by the notary. These interrogatories of the witnesses may be oftentimes repeated at the pleasure of the inquisitors, that what was omitted in the former interrogatories may be supplied.



## CHAP. VIII.

### *How the PROCESS begins by Denunciation.*

BUT if the accuser says, as is commonly the case, that he will not accuse, but denounce; <sup>a</sup> and that he doth this through fear of incurring the penalty of excommunication, ordered by the inquisitor for discovering things pertaining to the faith within the prescribed term, then the inquisitor prepares himself to make inquisition. And this is the most ordinary method of procedure.

When the denouncer, who is also called the appearing wit-

<sup>a</sup> Eymer. p. 3. n. 61.



ness, comes to the bishops or inquisitors, before the notary takes his denunciation in a juridical manner, he is usually asked, what he hath to propose? that they may know, whether what he is determined to denounce belongs to the holy office.<sup>a</sup> Because sometimes country ignorant people, or those who are troubled with scruples, bring such matters before them, the cognizance of which doth not belong to the inquisitors. When they find that the crime brought before them is cognizable by the holy office, they make the denouncer swear that he will relate the truth. After this the notary receives the whole denunciation before the bishop or inquisitor, or their vicar, taking down the denunciation, or the report of the denouncer in the first person. And that there may no doubt arise as to the validity of the oath, to spoil the credit of the denunciation, as the inquisitor doth not only take an oath from the denouncer, or witness voluntarily appearing, but also from the witness who is cited, upon the holy scriptures touched with their hands, so it is farther requisite, that the notary should write at length, that such a one “took his oath touching the scriptures,” and not only write down, *touching* with an &c. that there may be no difficulty in defending such acts upon account of this defect.

The oath being taken, the denouncer is interrogated concerning various things by the inquisitor. “First, if he be not a well known person, he is interrogated concerning his own name, surname, country, employment, and place of abode. Then, how long he hath known *N.* against whom he denounces? Likewise, how he came to know him? Again, whether he observed that the aforesaid *N.* was suspected of matters relating to the faith from his words, or his actions? Likewise, how often he had seen the said *N.* do or say those things for which he thought him an heretic, or suspected of heresy? Likewise, at what time, and in the presence of whom the aforesaid *N.* did or said those things of which he is denounced? Likewise, whether the aforesaid *N.* hath had any accomplices in the aforesaid crimes, or any writings belonging to the offences denounced? Likewise, to what end

<sup>a</sup> Pegna, Prax. Inq. l. 2. c. 1.

and purpose the aforesaid things were done or said by the aforesaid *N.* whether seriously or in jest? If it appears that there was a long interval of time between the commission of the crimes denounced, and the making the denunciation, the inquisitor interrogates the denouncer, why he deferred so long to come to the holy office, and did not depose before, especially if he knew, that he incurred the penalty of excommunication by such omission." They account this interrogatory necessary for two reasons. First, because the delay of denouncing may give a just presumption of calumny in the denouncer. Secondly, that it may be known, whether he hath been compelled by his confessor to denounce, upon his refusal to absolve him without denouncing, in which case greater credit is given to the denouncer. "He is moreover asked, whether he knows any thing farther of *N.* which concerns the holy office, or of any other person? Likewise, whether he hath at any time had any cause of hatred or enmity with the aforesaid *N.* and whence it proceeded? With what zeal, and with what intention he comes to the holy office, and to make denunciation? Whether he hath denounced through any passion of mind, ill will, hatred, or subornation? And he is admonished ingenuously to tell the truth." He is especially interrogated how he came by his knowledge, because on that principally the truth and weight of the testimony depends. From the denunciation, and the answers to these interrogatories, they form other questions, that there may be nothing wanting in the inquisition. And whatsoever the denouncer answers to these interrogatories, the notary writes down.

The denunciation thus received, three things are usually observed before the denouncer goes from audience. First, the whole denunciation, as written down, must be read over to the denouncer, that he may add, take away, or alter as he pleases. Secondly, the denouncer must subscribe to his deposition; or if he cannot write, he must at least put under it the sign of the cross. Thirdly, the denouncer must take an oath of secrecy. All these things are exactly written down by the notary.

## CHAP. IX.

*Of the Witnesses, and who are admitted as Witnesses before the Tribunal of the INQUISITION.*

AFTER the denouncer hath discharged his duty by legally denouncing, he hath no farther concern, but the whole affair is left to the inquisitor to make inquisition concerning the crime of the offender, from the witnesses named by the denouncer. Before therefore we proceed to the examination of the witnesses, we must premise some things concerning the witnesses themselves, viz. as to their person and number.

All persons may be witnesses as well in civil as criminal causes that are not expressly prohibited. In the affair of the inquisition, in favour of the faith, all persons, even such as are not allowed in other tribunals, are admitted as witnesses, enemies only excepted. But here they distinguish between the accuser or denouncer, and the witness. For although an enemy can never be a witness, he may be an accuser or denouncer, and his denunciation must not be neglected by the inquisitor, according to Campegius.<sup>a</sup>

Not that every sort of enmity prevents a person from being a witness, but only mortal enmity. Thus the council of Biterre determines,<sup>b</sup> and that of Narbonne,<sup>c</sup> “Such exceptions only shall wholly destroy the credit of the witnesses, which seem to proceed from the instigation of malice, conspiracy, and mortal enmity.”

But, the testimony of an heretic against an heretic, is admitted, but not for an heretic. They affirm the same of a Jew and an infidel, who, when they are admitted as witnesses, must not swear upon the gospels as Christians do, but according to their own laws.

In like manner the testimony of a wife, sons, and daughters, or domestics, against persons accused of heresy, is allowed, but

<sup>a</sup> Campeg. in Zanch. cap. 13. d.

<sup>b</sup> Cap. 13.

<sup>c</sup> Cap. 25.

by no means in their favour and behalf.<sup>a</sup> The reason Simancas gives, why kindred are admitted as witnesses against kindred, is, because they cannot possibly be suspected.<sup>b</sup> Yea, some add, that when other proofs are wanting, the judge may compel not only a brother, but even a wife, or son, to witness against a father.<sup>c</sup> Servants also may be tortured against their masters.

Even perjured persons, who having taken an oath before the inquisitors to speak the truth, have forsworn themselves by concealing it, and would afterwards correct themselves, and swear back again against themselves and others, are to be admitted, if it plainly appears that they act not from levity of mind, nor the instigation of enmity, nor from being corrupted by money, but from their zeal for the orthodox faith, and that on this account they would discover in favour of the faith what they had concealed before, according as Alexander IV. hath decreed, and as may be found in the VI. of the Decretals. And although perjured persons are not allowed as witnesses even after repentance, yet it is quite different in a cause of the faith; and the doctors observe, that such a one's second deposition must be stood to, when hereby he discovers the crime of heresy. But if when he takes his second oath, he denies what he deposed concerning heresy when he took his first, the first deposition must be stood to, and not the second; for which they give this reason, because he may have spoken with the criminal, and so is presumed to be corrupted and suborned, and therefore his first deposition stands firm.

Farther, infamous persons may be admitted as witnesses in this tribunal, such as infamous women, when they testify of things done in the houses of ill fame.<sup>d</sup> Such also as are under the ban, whom the inquisitors may cite before their tribunal, and grant a safe conduct, that they may be examined as witnesses in the tribunal of the inquisition, although the secular prince hath put them under the ban, because the inquisitor is greater than any supreme, secular judge, and may proceed in causes of the faith freely, and without any impediment what-

<sup>a</sup> C. Filii, de hæret. lib. 6.

<sup>b</sup> Pegna, Ib. com. 117. tit. 64. sect. 47.

<sup>c</sup> Carena, p. 3. t. 5. n. 21.

<sup>d</sup> Ibid. sect. 12.



soever of law or fact. Usurers, also, common blasphemers, common gamesters, persons quite intoxicated, and not only exhilarated by wine, stage-players, and prize-fighters, apostates from religion, persons bastinadoed, bankrupts, traitors, backbiters and spendthrifts. But they add, that these are not witnesses above all exception, and that they amount only to half proof; that they may be admitted to prove heresy, and the substantial circumstances that prove it, such as familiarity with heretics, secret conventicles, and the like, but not the external circumstances necessary to it, baptism for instance, which is prerequisite in the case of heresy. Besides the number of witnesses may make good their incapacity, though every one singly should be incapable of being a witness, yea, if the number be large, it is sufficient to inflict the ordinary punishment. This number they fix, and say that four are sufficient to condemn the criminal to the ordinary punishment. Others leave it to the inquisitor to determine the number.



## CHAP. X.

### *Of the Number of the WITNESSES.*

AS to the number of the witnesses, it is generally believed that two witnesses are sufficient fully to prove heresy, and to condemn any one for heresy.<sup>a</sup> But it is necessary they should be worthy of credit, and, as they say, above all exception.<sup>b</sup> Hence it is, that though excommunicated persons, and those guilty of the same crimes, are not absolutely rejected from being witnesses against heretics, their defenders, receivers, and all other suspected persons, yet full credit is not to be given to them, unless it appears that they speak truth, from probable conjectures, the number and quality of the persons, and other circumstances.<sup>c</sup>

<sup>a</sup> Eymer. p. 3. qu. 71. com. 120.

<sup>b</sup> Simanc. tit. 64. sect. 36.

<sup>c</sup> C. In Fidei favorem, de hæret. lib. 6.

The informer or denouncer is now also reckoned amongst the witnesses. For although no man can be accuser and witness in the same cause, yet he who discovers an heretic to the judges is a legal witness.<sup>a</sup> For, as they say, such a witness is not influenced by any private advantage, but by a zeal for the most holy religion, and for the public benefit of the Catholic church, and with a view to the amendment of the heretic. Nor can he have any private interest to discover an heretic, but only as being of the number of the Christian people, in which case they affirm the testimony of the informer to be complete.

In doubtful cases, however, it is left to the inquisitors pleasure to proceed as they think fit,<sup>b</sup> as it is expressly commanded in the constitutions of the bishop of Albano, legate of the apostolic see, who, it is probable, was appointed legate, and published by the Pope's commission many constitutions, relating to the punishment of heretics, and the order of proceeding against them, about the time when the poor men of Lyons, or the Albigenses and other heretics infested the countries of France and Lombardy. These constitutions are very useful to private inquisitors, to enable them to determine rightly and profitably causes and controversies of the faith, and are extant in an old parchment manuscript in the Vatican library, and in a very old one at Florence. Amongst other things it is thus determined. "But when the witnesses or informers differ in what they depose, but yet agree in the substance and nature of the thing, we leave it to the pleasure of the inquisitors so to proceed, as in the sight of God, they shall think fit, especially if common fame, and the fitness and credit of the deponents agree and make against him, who is to undergo the Inquisition.

<sup>a</sup> Simauc. t. 19, sect. 17. and t. 61, sect. 55.

<sup>b</sup> Direct. Part. 3. com. 121.

## CHAP. XI.

*Of the Examination of the WITNESSES.*

AFTER having thus spoken of the witnesses themselves, I now come to their examination.<sup>a</sup> When therefore the witnesses named by the informer are found out, the inquisitor orders them to be cited by his spiritual messenger, to the office of the Inquisition, where, when they come, they are legally examined. First, they take an oath upon the scriptures to speak the truth. After this he is asked by the inquisitor, whether he knows, or can guess the cause of his citation and present examination? If he says yes, he is interrogated how he knew it? If he says no, he is interrogated, whether he hath known, or doth now know any one or more heretics, or persons suspected of heresy, or at least is able to name any such? Whether he knows *N*? What was the occasion of his acquaintance with him? How long he hath known him? Whether he hath been used to converse with him? Whether he hath heard at any time any thing from the said *N*. concerning the Catholic religion? Whether ever he was in such a place with the said *N*. and whether the said *N*. did or said there such and such heretical things, or favouring of heresy? Who were present when *N*. did or said the aforesaid things? How often he saw them said or done, and on what occasion, and how? Whether the said *N*. spoke the aforesaid things in jest, or without thinking, or through a slip of his tongue, or as relating the heresies of some other person or persons? Whether he said any thing which ought not to have been said through hatred or love, or omitted and concealed somewhat that ought to have been explained? He is farther admonished to tell the simple truth, because if he is detected of speaking falsely, he will be made to suffer the penalties, not only of perjury, but of favouring heresy, and that therefore he ought to tell the truth, and beware of lies. Because, if it appears to the holy office, by

<sup>a</sup> Pegna, Prax. Inq. l. 2. c. 5.

witnesses worthy of credit, that the witness himself is conscious of the things concerning which he is interrogated, and conceals and hides them, he may be confined, and compelled to give security, and to oblige himself not to depart from that city and place where he is examined, and under a penalty, fixed by the inquisitor, to make his appearance as often as and wheresoever the inquisitor shall command him.<sup>a</sup> When the truth cannot be found out from the mouth of the witness and these general interrogatories, the Italian<sup>b</sup> inquisitors come to particular interrogatories concerning the place and person denounced, that so the truth may be discovered, after which the witness is dismissed, being first enjoined secrecy upon oath, and signing what he hath said. All these things are taken down by a notary, and inserted into the acts of the process.

<sup>a</sup> Carena, Anno. Ibid.

<sup>b</sup> The Inquisition has been less sanguinary at Rome and in Italy, where the Jews have great privileges, and the people of any credit busy themselves more in making their fortunes, and that of their relations in the church, than in disputing about mysteries. Pope Paul IV. who gave too great a scope to the Inquisition at Rome, was detested by the Romans; the people made a disturbance at his funeral, threw his statue into the Tiber, demolished the prisons of the Inquisition, and flung stones at its officers; yet not one person had been put to death by the Inquisition, under Paul IV. whereas, Pius IV. among other cruelties, caused three men of learning to be burnt, being accused of thinking differently from others. But never did the Italian Inquisition come up to the horrors of that of Spain. The greatest harm which it has done in Italy, has been to keep as far as it could, an ingenious nation in ignorance. All who undertake to write, must ask a Jacobin leave to think, and others must ask leave to read. The men of reflection and learning in Italy, mourn in silence, others live in pleasure and ignorance, and the lower sort in superstition. It is on account of the genius of the Italians, that such strict care has been taken to restrain them, and with all their wit, they are now ruled by monks, so as in several places, to kiss their hand as formerly, they kissed the chains laid on them by the Goths, the Lombards, the Franks and the Tentons.—Voltaire's Univ. Hist. Supp. v. 1. 224.



## CHAP. XII.

*How the CRIMINALS, when informed against, are sent to Jail.*

WHEN the skilful men or counsellors are called together to give proper advice,<sup>a</sup> either as to the quality of the propositions, or the weight of the proofs and discoveries, or as to the process or giving sentence, or any doubtful article of the cause, that nothing may appear in the whole affair but a burning and serious zeal for the divine glory, they make solemn prayers to the Holy Ghost, which are usually said over in all the congregations. The inquisitor and counsellors say them on their bended knees. The form is this :

“ We are here present, O God, the Holy Ghost, we are here detained with the greatness of sin, but gathered together specially in thy name. Come to us, be present with us, vouchsafe to enter into our hearts, teach us what we should do, where we should walk, and shew us what we ought to perform, that we may be able to please thee, assisting us in all things. Be thou the health, the suggester and maker of our judgments, who alone with God the Father and his Son, possess a glorious name. Suffer us not to be perverters of justice, O thou who lovest the strictest equity. Let not ignorance draw us to the left, let not favour bend us, nor regard to office or person corrupt us, but join us to thyself effectually by the gift of thy only grace, that we may be one in thee, and in nothing deviate from the truth ; and as we are gathered together in thy name, so let us in all things preserve justice moderated by piety, that our sentence here may in nothing differ from thee, and that hereafter we may obtain everlasting rewards for our good deeds.” When the prayer is ended, all answer *Amen*.

This prayer in the time of Carena, was recited in the Inquisition at Cremona, by Cardinal Camporeus, bishop of that city, the inquisitor on his right hand at a corner of the table, and the

vicar general at his left at another corner, and the other counsellors in their order, all on their knees. But if a single bishop only is present, then the bishop and inquisitor sit at the head of the table, their seats being equal, in all the Inquisitions in Italy. But the bishop sits by virtue of his episcopal dignity in the seat placed on the right hand, and the inquisitor in the other.

These prayers being over,<sup>a</sup> the inquisitor consults whether the cognizance of the crimes which are denounced and proved by the witnesses, belongs to the holy office. If there be any doubt of this, he must call in the qualificator divines, who must give their opinion written and subscribed with their own hand, that it may be inserted in the process, as the foundation of the jurisdiction of the inquisitor. If the crimes are small, or the propositions only sounding ill, scandalous or blasphemous, or which do not include formal heresy, no one upon account of these is immediately ordered to secret imprisonment, but must rather be confined in some monastery, or in his own house, or city.

No one can be taken up without half full proof at least, or such evidence as is sufficient to put to the torture, because imprisonment by the Inquisition renders the prisoner infamous.<sup>b</sup>

The apprehending a prisoner is called citation, it is of two kinds, verbal and real, the verbal is used in lesser crimes and consists in a message sent to the person, requiring him to wait on the inquisitors who have something to ask of him; the real citation is the taking actual and forcible possession of the party in question.

If the party accused be some illustrious person, or in any post of great authority, the senate of the Spanish Inquisition must be consulted before he is to be apprehended,<sup>c</sup> to whom that their deliberations may be right, they must send a summary of the proofs, and the information of the crimes. This is gathered from the Madrid Instruction.<sup>d</sup> “If the inquisitors agree

<sup>a</sup> Pegna, *Ibid.* c. 7.

<sup>b</sup> Carena, lib. 3. tit. 2, sect. 6.

<sup>c</sup> Pegna, *Com.* 107. in 3 Part. Direct. Inq.

<sup>d</sup> A. D. 1561. cap. 5.

as to the apprehension, let them command what they have decreed to be executed. But if it be a matter of great moment, by reason of the quality of the persons, or for other causes, let them first consult the senate before they put their decree in execution. But if they do not agree in their judgments, let the matter be referred to the senate, that they may consider what is proper to be done." But this very great and exquisite caution must not be observed, when there is any fear of the escape of the person accused, or if he is a manifest heretic. For in such case they think it would be imprudent and dangerous to wait for the answer of a superior.

In a city, where any noble persons, doctors, or religious, or others of illustrious birth or dignity are to be sent to jail, the commissary of the Inquisition, or some other officer, usually goes to the houses of such persons, and takes them in a coach and carries them to jail. But if there is no fear of their escape, they are commanded to come to the holy office by a special messenger.

When the criminal is apprehended, he must be well guarded, and if there be need, put in irons, and thus carried by the executor to the jails of the Inquisition, and delivered into the hands of the jail-keeper. The keeper must take him into his custody, and use him according to the laws made about prisoners.<sup>a</sup> If any one is to be brought from very distant places,

<sup>a</sup> In the Inquisition at Coimbra, a few years since, a clergyman came to the windows of the palace of the Inquisition, which face the street of St. Sophia, and within the iron gates of the window of the upper apartment, loudly entreated, that for God's sake somebody would pick up the little bits of paper, written on with brick-dust, which he was throwing into the street, as they contained a narrative of his troubles, and the injustice he had suffered for fourteen years, in the secret prisons of the Inquisition; and he begged also, that from motives of charity, some one would represent his case to her majesty, that she might give instructions, for investigating the cause of the unmerited tortures to which he was continually subjected. This clergyman had by chance escaped out of his cell, but some guards immediately followed and pushed him from the grates of the window, as was observed by many persons in the street; but no one dared to touch one of the little bits of paper which lay undisturbed, till one of the officers of the Inquisition came out and picked up all of them. A few days after this, the president of the Inquisition at Coimbra, precipitated himself from a window and died instantly; his com-

they do not think it safe for him to lodge in inns, or private houses, because by this means he might easily make his escape; and therefore the executor is usually charged, to go to the bishops of the place, if there be any, or to the secular judges, that the criminal may be placed and kept in their jails. And this the inquisitor signifies by his letters given to the executor, to the magistrates, through whose territories the criminal is to be carried, and exhorts them to give the necessary and convenient assistance to the executor. And that no one may dare to oppose him, and that the criminal may be kept in sure and safe custody, they desire he may be attended with a proper guard. But this caution is not necessary in the cities of Spain. For as soon as ever the executor shews, that he is to apprehend any one by command of the holy office, no one dares oppose him. And if any one should, the mob would immediately run together to lend an helping hand to the holy office, and so over-power him, that unless he would undergo the severest treatment, he would, of his own accord, offer himself to be taken up by the executor. All these things are largely settled by the Toledo Instruction.<sup>a</sup>



## CHAP. XIII.

### *Of the Examination of the PRISONERS.*

WHEN the criminal is put in jail, he is brought before the inquisitor.<sup>b</sup> The place where he appears before the inquisitor,

panions reported, that he did this from mental derangement, but many said it was for fear of punishment from the grand inquisitor, for suffering the long and cruel imprisonment of this clergyman to transpire; from the whole case however, we may conclude, that many others may be suffering the same martyrdom, whose existence it will never be possible to ascertain.

Vide Da Costa's Narr. v. I. 152.

<sup>a</sup> A. D. 1561. Cap. 10, 12, and 13.

<sup>b</sup> Inquis. de Goa. cap. 8.



is called by the Portuguese the Table of the Holy Office. At the farther end of it there is placed a crucifix, raised up almost as high as the cieling. In the middle of the room there is a table. At that end which is nearest the crucifix sits the secretary or notary of the inquisition. The criminal is brought in by the beadle, with his head, arms, and feet naked, and is followed by one of the keepers.<sup>a</sup> When they come to the chamber of audience, the beadle enters first, makes a profound reverence before the inquisitor, and then withdraws. After this the criminal enters alone, who is ordered to sit down on a bench at the other end of the table over against the secretary. The inquisitor sits on his right hand. On the table near the criminal lies a missal, or book of the gospels, and he is ordered to lay his hand on one of them, and to swear that he will declare the truth, and keep secrecy.

After taking this oath of declaring the truth, both of himself and others, the inquisitor interrogates him of divers matters.<sup>b</sup> As, whether he knows why he was taken up, or hath been informed of it by any one or more persons? Where, when, and how he was apprehended? If he says that he knows nothing of it, he is asked, whether he cannot guess at the reason? Whether he knows in what prisons he is detained? and upon what account men are imprisoned there? If he says he cannot guess at the cause of his imprisonment, but knows that he is in the prisons of the holy office, where heretics and persons suspected of heresy are confined, he is told, that since he knows persons are confined there for their profanation of religion, he ought to conclude that he also is confined for the same reason, and must therefore declare what he believes to be the cause of his own apprehension and confinement in the prisons of the holy office. If he says he cannot imagine what it should be, before he is asked any other questions, he receives a gentle admonition, and is put in mind of the lenity of the holy office towards those who confess without forcing, and of the rigour of justice used towards those who are obstinate. They also compare other tribunals with the

<sup>a</sup> Inquis. de Goa, c. 18.

<sup>b</sup> Pegna, prax. Inq. l. 2. c. 14.

holy office, and remind him, that in others the confession of the crime draws after it immediate execution and punishment; but that in the court of the inquisition, those who confess, and are penitent, are treated with greater gentleness. After this he is admonished in writing, and told, that the ministers of the holy office never take up any one, or are used to apprehend any one without a just cause, and that therefore they earnestly beseech him, and command and enjoin him exactly to recollect and diligently to consider his actions, to examine his conscience, and purge it from all those offences and errors it labours under, and for which he is informed against.

After this he is questioned with all the craftiness possible on every subject, which may be likely to criminate him, the inquisitors holding out the appearance of lenity or severity, as the case may require. If he is induced to confess he is a penitent. If he persists in denying the crimes charged upon him he is a negative heretic; of which hereafter.

#### CHAP. XIV.

*What Arts the INQUISITORS use to draw a Confession from the Prisoners.*

EXAMINATIONS and admonitions are repeated by the inquisitors, as often as they think fit, for they are not bound to any certain number.<sup>a</sup> But in these examinations the inquisitors use the greatest artifice, to draw from the prisoners confessions of those crimes of which they are accused. And although they say that the inquisition makes use rather of prudence than art, yet they suggest several orders and artifices which must be used, and which they generally use in making inquisition.

First, they observe this exactly, that as often as the criminals are judicially interrogated, they must so often touch the holy

<sup>a</sup> Pegna, Prax. l. 2. c. 19.

scriptures, swearing that they will declare the truth, so that an oath always precedes the deposition. The same also is observed as to the witnesses. Yea, if the examination should be broken off, and what follows should be only a continuation of the former, they must first take an oath before they are suffered to proceed. Besides, the inquisitors always admonish and exhort the criminals, to confess simply, fully, and truly, whatsoever they have done against the Catholic faith, and especially to take care that they do not bear false witness either against themselves, or any others. They must not give them occasion to behave indecently or rudely, or to utter reproaches;<sup>a</sup> neither must they promise them impunity or entire deliverance, whilst they are endeavouring to draw a confession from their mouths, lest they should prove liars, by promising what possibly they may not be able to perform, or lest the criminals under this hope should confess things which perhaps they never committed.

But if the prisoners do not confess those things of which they are accused, as it may often happen, either because the accusations are false, or because they do not remember things, especially if at the distance of several years, and what was said was not in the least premeditated, but inadvertently, and in common discourse, they try every art to catch and ensnare these miserable criminals, already tired out by their vile imprisonment, and in a friendly manner speak to them thus: "Do not be afraid openly to confess, if you did happen to believe these sort of persons, who taught such and such things, to be good men.<sup>b</sup> You believed them, and willingly heard them, and gave them somewhat of your substance, or received them sometimes into your house, or made confession to them, because you were a simple man, and loved them, thinking them to be good men, and knowing no evil of them. The same thing might have happened to persons much wiser than you, and so they might have been deceived. I have pity on you, and see your own simplicity hath deceived you, and though you are in some measure faulty, yet they are more so who have instructed

<sup>a</sup> Pegna, Prax. l. 2. c. 20.

<sup>b</sup> 100. com. 23.

you. Tell me therefore the truth, for you see I know the whole matter, that I may immediately free you, and shew you favour." After this he interrogates him, not so much concerning the fact, as the circumstances of it, that the person may believe that he knows the fact already.

Sometimes the inquisitor permits some person or other, who is not unacceptable to the prisoner, to go to him, and converse with him, and if it be needful to feign himself still one of his own sect, but that he abjured through fear, and discovered the truth to the inquisitor.<sup>a</sup> When he finds that the prisoner confides in him, he comes to him again late in the evening, keeps on a discourse with him, at length pretending it is too late to go away, and that therefore he will stay with him all night in the prison, that they may converse together, and the prisoner may be persuaded by the other's discourse, to confess to one another what they have committed. In the mean while there are persons standing at a proper place without the jail, to hear and to take notice of their words, who, when there is need, are attended by a notary.

This Eymeric taught was to be done in his time.<sup>b</sup> But now the person, who thus treacherously draws out any thing according to his desire from his fellow prisoners, prays the jail-keeper, when, according to custom, he is visiting his prisoners, to desire that he may have an audience. For this is the method the prisoners take. And when he goes out of his jail to give an account of his office, he discovers not only what he heard from any of the prisoners, but also how they received the doctrine proposed to them, whether with a cheerful or angry countenance, and the like, if they refused to give them an answer, and what they themselves think of them. And the accusations of such a wretch they look on as the best and most unexceptionable evidence, although the person be otherwise one of no manner of worth, credit, or regard.

These sort of persons they call flies, and, as Gonsalvius tells us, they may be known and found out by this one thing, that for the most part they thrust themselves into such sort of con-

<sup>a</sup> 107.

<sup>b</sup> Gonsalv. p. 95.



versations, without any one's asking them, and begin very impertinently such discourses concerning doctrine. And therefore he advises, that if the prisoners act prudently, they will let them talk themselves weary, without giving them any answer.

They who have been lately in the prison of the inquisition in Spain and Portugal, tell us of another method they make use of to draw a confession from the prisoners, viz. The inquisitor suborns a certain person, to go and speak to the prisoner, and to tell him he comes of himself, and of his own accord, and to exhort him to tell the inquisitor the truth, because he is a merciful man, and such fine tales. This is now particularly the custom in Spain and Portugal, as to those they call the new Christians. If the prisoner affirms himself to be a Catholic, and denies that he is a Jew, and is not convicted by a sufficient number of witnesses, they suborn one to persuade him to confess. If he protests himself innocent, the other replies, that he also hath been in jail, and that his protesting his innocence signified nothing. What, had you rather dwell for ever in jail, and render your life miserable, by being ever parted from your wife and children, than redeem your freedom, by confessing the crime? By this and other-like things the prisoners are oftentimes persuaded to confess not only real but fictitious crimes. And when their constancy is thus almost overcome, the inquisitor commands them to be brought before him, that they may make him a confession of their faults.

Here Gonsalvius justly wonders,<sup>a</sup> how men can be of so devilish a temper, as voluntarily to hire themselves out to such offices, and at so great an expense to themselves, who, in order to obtain their desire, do not refuse to be prisoners with others, even for two or three months together, in a vile narrow jail, but bear willingly what the prisoners themselves bear with the greatest uneasiness, all the inconveniences of it, hunger, filth and stench; and what is more wonderful, go out of one jail into another, and then into a third, twice, thrice, four times, always experiencing the same inconveniences, and passing their whole lives in such a circle of delights.

<sup>a</sup> Gonsalv. page 95.

After these examinations, if the prisoner confesses nothing, he is carried back to jail, and there kept sometimes for a whole year, before he is again brought up to the inquisitor. In the mean while, if he desires an audience, to confess certain matters, he may gently rap at the door of his jail. The keeper being acquainted herewith by his officers, immediately comes to him, and is desired by him to ask the favour of the inquisitor of being brought before him.

If the criminal will not answer to the interrogatories judicially put to him, or answers uncertainly and doubtfully, as, I do not know, I do not remember, I have forgot; or when he answers as to the main fact, but refuses to answer concerning the principal circumstances of the crime, if the circumstances are such, which it is probable he may remember, he may be put to the torture to make him precisely answer affirmatively or negatively: because criminals are not apprehended for the crime of heresy without legal proofs, i. e. more than half full proof. It is the same case if they pretend madness. Sometimes also they are humbled by imprisonment and fasting.



## CHAP. XV.

*How the Prisoners are allowed an ADVOCATE, PROCURATOR, and GUARDIAN.*

WHEN the process hath gone thus far, and all the informations and proofs relating to the cause, are taken in a summary manner, and the criminal fully examined, if he confesses his crime, there is no room for a defence, nor do they proceed to the re-examining of the witnesses. But if he persists in the negative, and demands the depositions to be given him, whether he is presumed to be innocent or obstinate, he is admitted to his defence, and all matters are prepared to form the process. And therefore, because the criminal must be convicted by witnesses, the witnesses must be re-examined. And that the criminal may not seem to be denied his defence, he hath an advo-

cate and procurator allowed him. He is not, however, at liberty to chuse the one or other, as he pleases, nor is it lawful for any advocate to defend an heretic under pain of infamy.<sup>a</sup> The inquisitors appoint him his advocate, and he is bound to them by oath. The criminal may also, sometimes, if he demands it, have a second advocate. The qualifications necessary in such an advocate are these:<sup>b</sup>—That he be a good man, not suspected as to his honesty, skilful in the canon and civil law, zealous for the faith, and not in the least tinctured with heresy, and he is allowed to the criminal, according to the present custom in Spain, after he hath received three admonitions, freely to confess the truth.

The advocates receive their stipend from the treasury, when they defend the causes of the poor,<sup>c</sup> which is usually very small, but honourable. But if the criminals are not poor, the advocates receive their pay out of their effects.<sup>d</sup>

The criminal also had formerly allowed him a procurator.<sup>e</sup> But these procurators are now seldom allowed, because the advocates are sufficient, and exercise the office of procurators.

If the criminals are under twenty-five years of age, they are allowed curators (a sort of guardians) by whose authority they are defended, least, through unskilfulness or youth, they should conceal, or say any thing, which, if spoken or concealed, might be of advantage to them.



## CHAP. XVI.

*How the Prisoners are interrogated by the INQUISITOR, whether they allow the Witnesses to be rightly examined, and re-heard.*

THE advocate being thus granted,<sup>f</sup> and sometimes, if the criminal demands it, the procurator also, the inquisitor usually

<sup>a</sup> Cap. Si adversus nos. de hæret.

<sup>b</sup> Direct. p. 3. com. 28.

<sup>c</sup> De Cathol. Instit. tit. 5. sect. 6, 7, 8.

<sup>d</sup> Instruct. 1. c. 16.

<sup>e</sup> Pegna, com. 28.

<sup>f</sup> Ibid. cap. 4.

asks the criminal, whether he allows the witnesses examined to be well and truly examined, and legally re-heard. If he answers, that he would have the witnesses heard over again, and examined with his interrogatories, and thus convict them of falsehood, the inquisitor orders him a copy of the articles formed by the procurator of the exchequer, to the end that he may form his interrogatories, and allows him three days to give them in. If he answers, that he will consider, and consult his advocate and procurator, the copy of the articles formed by the promotor of the exchequer is given him, to assist him the better how to resolve. If he refers himself to the disposition of the law, it is the same thing as if he had answered, he would have the witnesses re-examined. Because, according to law, the proof of witnesses received in a summary manner, is not regular, unless they be fully re-produced when the party is cited, and re-examined upon the interrogatories of the criminals, that they may thus confirm their evidence and depositions. If he answers, that he refers himself to the pleasure of the inquisitor, the inquisitor must not accept it, least it should be afterwards objected to him that he hindered the criminal from making a legal defence, and therefore he refers him to his advocate or procurator. If he answers, that he allows the witnesses, who have deposed against him, to be well and truly examined, and legally re-heard, but saves to himself the liberty of making exceptions against persons and their depositions in drawing out his defences, this is written down by the notary in the acts. But although the criminal should thus allow the witnesses as legally examined, the inquisitors must however take care, that they be formally re-examined, especially when there is any fear of their death, or long absence. In such a case, the witnesses must be admitted, before the trial commences.\*

\* Simanca, sect. 15, 22.



## CHAP. XVII.

*How the PROMOTOR FISCAL exhibits the Bill of Accusation.*

AFTER the inquisitor hath received, as hath been said,<sup>a</sup> information against the criminal denounced to him, the procurator fiscal, in some inquisitions, presents in court, in presence of the criminal, a bill of indictment, containing the heads of the offences, of which the criminal is accused, and presents it to the inquisitor. The form of this bill is not every where the same. Eymeric gives this in his directory of the inquisitors:

“ I *N.* fiscal of the office of the most holy inquisition, do before you the reverend inquisitor, delegated judge in causes of the faith against heretical pravity, criminally accuse *N.* who being baptized a Christian, and accounted as such amongst all persons, hath departed from the Catholic faith, and hath impiously gone over to the deadly heresy of the Manichees, and other heretics, particularly such a one, and such a one; preaching, writing, composing, and firmly asserting many heretical, erroneous, scandalous, and greatly suspected opinions, in approbation and praise of the aforesaid heresy and heretics, whom he follows as his masters.” Simancas gives us another in these words:—

“ I accuse *N.* who being baptized a Christian, believes and teaches many heresies, and especially this and that,”<sup>b</sup> after mentioning which, the promotor fiscal concludes, with demanding that *N.* may be punished as an obstinate heretic, and suffer the most grievous punishments of heresy.

Lewis a Paramo gives us a larger form of this bill of indictment, in his history of the inquisition.<sup>c</sup>

In the supreme court of the general inquisition at Rome, the procurator of the exchequer gives in the points and articles concerning the offences, instead of a bill of indictment, but this must be done personally, as well as in the presence of the

<sup>a</sup> Pegna, com. 29.<sup>b</sup> Tit. de Accusationibus.<sup>c</sup> Lib. 3. qu. 9. n. 21.

judge and of the person accused. A copy of this accusation is usually given to the criminal, to which he must answer article by article, if he undertakes to make a defence.

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## CHAP. XVIII.

*How the Interrogatories given in by the CRIMINALS are formed and exhibited.*

IN order to prepare his defence, the criminal also puts in his interrogatories, and desires of the inquisitor that the witnesses may be interrogated upon them. But if they are impertinent or deceitful, or tending to discover the informers, or to intangle and puzzle the witness, or to conceal the truth, or to discover such circumstances by which he might come to the knowledge of the informer or witnesses, the inquisitor hath power to set them aside.

But as Simancas tells us,<sup>a</sup> this is not the method in the Spanish inquisitions, where the criminals are not allowed to put interrogatories to the witnesses of the promotor of the exchequer, but the judge is obliged by office diligently to examine into the credit, life, and manners of the witnesses. But the contrary is observed in all the inquisitions in Italy, as Carena informs us, and that it ought to be thus, he proves by this reason:—<sup>b</sup> “That by not giving the names of the witnesses, the defence of the criminals at this tribunal is imperfect and maimed enough, without introducing any other novelty; but that the defences of the criminal would be necessarily much more imperfect and maimed, if the witnesses against him should not be suffered to be interrogated by him.”

In Italy,<sup>c</sup> it is usual for the criminal's advocate to demand that the witnesses may be examined and interrogated, concerning their country, age, condition, state, employment. As, whe-

<sup>a</sup> Cathol. Instit. t. 64. n. 10.

<sup>b</sup> p. 3. t. 7. sect. 11.

<sup>c</sup> Pegna, l. 2. c. 31.

ther he is rich or poor, clergyman or layman, a religious, regular or secular, married or unmarried, a father or a son? Whether he be a citizen or inhabitant of that city where the cause is carried on? Whether he came to the place? Whether he always lived in it? Whether he lives at his own or other person's charge? Whether in no trial or case he never deposed upon oath things which were not true, either for or against any person? Whether he was ever excommunicated, and on what account, and in what place? Whether he or his parents were not declared infamous, interdicted, excommunicated, and incapable to bear witness? Whether he confessed his sins this year at Easter, to what confessor, and in what church? Likewise, whether he hath taken the sacrament of the eucharist, from what priest, and whom present? Whether he was ever under inquisition, accused or processed, for any crime or crimes, what they were? Whether he was absolved or condemned, and by what judge? Whether any thing was said, promised, forgiven, or granted to him on this account, that he should bear witness against any one, or that he should say in his examination any thing general or particular, and whether he doth or hath expected any advantage, and what, by his deposition? Whether he doth not know *N.* what was the first time, place, and occasion of his knowing him? Whether he hath often conversed with him, and concerning what matters, and whether when he first knew him, the said *N.* was accounted a good and Catholic Christian, a man of a good conscience, and fearing God? Then they proceed to the articles, and interrogate the witnesses concerning the year, month, day, place, and hour, where and when the aforesaid *N.* discovered heresy? Whether he spoke it as the sentiment of his mind, deliberately and seriously, or only as repeating another's words? What the precise words were which he spoke? And the like with regard to the other articles.

## CHAP. XIX.

*Of the re-examining the WITNESSES, and the Punishment of false WITNESSES.*

THE witnesses cited by the judges must be carefully examined and interrogated.<sup>a</sup> And first they are asked, whether they know why they are summoned? If they say they do know or guess that they are summoned in the same cause in which they have already given witness before the same judge, they are asked, if they remember what they deposed in the said cause? And whether it be true? And whether they will add, take away, change, or correct any thing? Whatsoever they answer, must be faithfully written down by the notary. Then they are examined again, without seeing their former depositions, that the truth or falsehood may more evidently appear from their consistency or inconsistency. Finally, this confirmation of their testimony must be made before the judges and secretary, and two religious and discreet persons. For as the party concerned is not allowed to be present, two persons of reputation must be present in his stead.

If the latter depositions do not agree with the former,<sup>b</sup> the former must be read over to the witnesses, and they interrogated what is the meaning of this difference in what they say, and gently admonished to persist in the truth. Lastly, whatsoever they say must be written down, and if they contradict themselves, or falter, they must be sent into custody, and if the case requires it, to be tortured and punished.

When a witness swears that he will conceal his evidence,<sup>c</sup> and is afterwards convicted of discovering it before the publication of it, he may be condemned by the judges at their pleasure, either to do public penance, or to pay a fine, or to banishment, or the pillory, or to be whipped; and if the nature of the case requires it, to the gallies.

<sup>a</sup> Simanc. t. 44. sect. 23<sup>b</sup> Ibid. sect. 24.<sup>c</sup> Ibid. tit. 64. sect. 83.



If the witnesses are evidently caught in falsehood, they may be punished by the inquisitor, according to their merits and his discretion.

Sentence is pronounced openly against false witnesses, because they are brought into public view, in order that their villany may be exposed. But the punishments enjoined are always comparatively mild, least others should be intimidated from bearing witness against future criminals.



## CHAP. XX.

*How the PRISONER hath a Copy of the Evidence, without the Names of the WITNESSES.*

THE witnesses having been re-examined,<sup>a</sup> a copy of the proofs brought against the criminals is usually given to them, that they may the sooner determine, whether they will give up the cause, or stand trial, and in this case the following things are observed in this court. First, that the depositions be literally given to the criminal as made by the witnesses, that he may fully understand what every witness hath deposed against him, so that it is not sufficient to give them him in short. Secondly, the depositions are not to be confounded or mixed, but each of them to be distinctly and separately from others given him in writing, that the criminal may the better understand them, and severally answer them, and thus be able the better to defend himself. Thirdly, the names of the witnesses are not to be given him, nor their surnames, nor any circumstances by which he may discover who they are, because such discovery might occasion great danger either to the witnesses or the Inquisition, upon account of the power of the persons accused, by reason of their family, riches, or malice. The supreme senate determined the same, with respect to the answers of the witnesses to the interrogatories of the criminals,

<sup>a</sup> Pegna, p. 47.

ordering they should not be given them, if the witnesses were in danger of being discovered hereby. For the same reason they add the year and month, but not the particular day when the witnesses affirm the crime to be committed. Thus also the place is added in general, but not the particular house or room where. All these things they carefully avoid, that the criminal may not by any means discover who are the witnesses or informers against him. This they will in no wise suffer. For as they generally say, secrecy is the very sinew of the Inquisition. Hence it is easy to infer, that many of those interrogatories which are formed by the advocates of the criminals, are not allowed, because they must relate to such circumstances, which, if known to them, would easily discover to them the witnesses. However the advocates, bound to the Inquisition by oath, must form them, that they may seem to do something for the criminals, when in reality they do nothing, and deceive the miserable prisoners, with the vain hopes, what they will do in their defence, when nothing at all is done for them; for whilst the witnesses or informers are concealed from them, they are deprived of the best and most necessary means of their defence. However, this is strictly prohibited by several edicts of the Popes, and instructions of the inquisitors.<sup>a</sup>

And though the criminal insists, and demands, that he be allowed to make his defence, according to the course of the law,

<sup>a</sup> The form of proceeding was an infallible way to destroy whomsoever the inquisitors pleased. The prisoners are not confronted with their accusers, and there is no informer ever so base but they listen to; a public criminal, an infamous person, a child, a prostitute, are good evidence, even a son may inform against his father, a wife against her husband, in short, the prisoner is obliged to accuse himself, to guess and to confess the crime he is supposed to be guilty of, and of which he is frequently ignorant. This strange manner of proceeding struck a terror into the whole kingdom of Spain, a general jealousy and suspicion took possession of all ranks of people, friendship and sociability were at an end. Brothers were afraid of brothers, fathers of their children. Hence silence is become the characteristic of a nation, endowed with all the vivacity natural to a warm and fruitful climate. The most artful endeavoured to be bailiffs to the Inquisition, under the name of familiars, chusing rather this servile office, than to be exposed to such cruelties.

and by consequence that the names of the witnesses be shewn him as well as their depositions, he is not to be heard. Those who are called new Christians in Spain, never could obtain it, though they used their utmost endeavours for it. Ludovicus a Paramo tells us,<sup>a</sup> that in the reign of Charles, who succeeded his grandfather Ferdinand, the new converts offered 80,0000 pieces of gold to the king, if he would order the witnesses to be made known in the tribunal of the Inquisition. And when the young king, who was but 18 years old, was greatly tempted by so vast a sum of money, Cardinal Ximenes, inquisitor general, by setting before him the great danger of such witnesses, and the damage that would hereby accrue to the church, wrought upon him to despise that offer.

But when the person accused cannot particularly defend himself upon account of the suppressing the names of the witnesses, but can only conjecture in general, not being able to make any tolerable guess, it is recommended to the prudence of the inquisitor, to take such proper measures, as that he may know, whether the said deponents and witnesses are the mortal enemies of the persons accused or not.

And in order the more effectually to prevent all danger to the witnesses, which may arise from their being known, Camillus Campegius advises, not only to suppress their names, but even all circumstances that may tend to point out or discover them. For he says he hath oftentimes seen that the granting such a copy hath given rise to enmities, hatreds, wounds and death; and sometimes, that those under Inquisition, falsely imagining a person to have deposed against them, who hath not, nor said or did any thing against them, have notwithstanding, through such a false persuasion, contrived not only greatly to injure him, but even his destruction. Thus it happened at Ferrara, and at other places, as he says he was credibly informed. And therefore he advises the inquisitors, to proceed very cautiously in this affair, and so to defend the Catholic faith, as to secure the lives of the witnesses. For he says there are few to be found, who are willing to inform or depose in this cause of heretics, and that if the safety of the witnesses should

be endangered by the world, he imagines there would not be so much as a single informer.

When any just exceptions are objected against the witnesses, the criminal is admitted to prove them. But his witnesses are so cautiously examined, as if possible to prevent their knowing who the witnesses against the criminal are. And, in order to this, they are interrogated not only concerning the enmity or conspiracy of the real witnesses against the criminal, but of others also who are not evidences against him.

Since therefore they are so exceeding cautious not to discover by any means the informers or witnesses to the criminals, it is evident they are not brought before, or confronted with one another, that they may be heard against, and what they say and answer be opposed to each other. Carena<sup>a</sup> teaches us, that persons are seldom confronted in the holy office, and that it is never done in the supreme tribunal of the city, unless the cause be fully known, and the cardinals supreme inquisitors interpose by their decree, who usually determine, whether or no any danger may accrue to the witnesses and criminal by being confronted. But because sometimes it happens in the holy office, that the criminal must necessarily be seen and pointed out by the witnesses, this is done not by openly confronting them, but by making the witnesses look through the crevices of the door of some fastened room, where the criminal is put, in company of some other persons alike in their dress, stature, and face. This Carena says was practised formerly in the Inquisition at Cremona, according to the command of the sacred congregation, where a certain regular, who had contracted matrimony, was thus viewed and pointed out, notwithstanding his confession, that the sentence of the nullity of his marriage might be more safely pronounced.

<sup>a</sup> P. 3. t. 7. sect. 6.



## CHAP. XXI.

*How the Articles and Witnesses for the CRIMINAL are produced and examined.*

WHEN the criminal hath received a copy of the evidence and proofs against him,<sup>a</sup> if he insists on his defence, a certain term is granted him to exhibit the articles by which he would prove his innocence. This term is not fixed to any precise day, but left to the pleasure of the judge, who can grant him more or fewer days, as he thinks fit. And because the defence of the criminal consists of three parts, viz. in denying the fact, or disabling the witnesses, or proving his good life and behaviour, his being a good Christian or Catholic, the articles to be proved are disposed into method, according to the aforesaid division. But yet the prudent and Catholic procurator or advocate must consider his oath, and both insert in the articles the things which he believed to be true, just as they have been suggested to him by the criminal, he is to defend, and continually admonish him simply to confess the truth.

At the end of the articles produced by the criminal,<sup>b</sup> the names of the witnesses by which he would prove his innocence, are put down, and the particular article upon which he would have each witness examined, specified. For as it cannot easily happen that any single witness should know all the matters contained in all the articles, therefore to prevent the inquisitor, or he to whom the inquisitor commits the examination, the trouble of being forced to guess who knows the contents of such and such an article, or of examining all the witnesses upon every article, it is particularly shewn, that such a witness must be examined upon such and such an article, and so of the rest. By some he endeavours to prove, that the person who he imagines hath deposed against him, is his mortal enemy; by others, that he hath lived a good life, and so on.

<sup>a</sup> Pegna, l. 2. c. 48.

<sup>b</sup> Ibid. c. 49. ,

If after the articles have been produced and admitted, the criminal will add one or more additional articles to them, the inquisitor may admit them as well as the first, because it is not expressly prohibited by law. In forming these articles, a skilful advocate or procurator must consider those things, which may either remove or extenuate the crime, i. e. prove the falsehood of the accusation, or extenuate the guilt by proper circumstances; as, whether the person was mad or drunk when he spoke the words which constitute his crime, &c.

## CHAP. XXII.

### *Of the Defence of the CRIMINALS.*

AFTER the parties have prepared their proofs, Pegna says,<sup>a</sup> a copy of the defensive process must be delivered to the criminal. But Carena observes, that for the space of twenty years, during which he acted in the Inquisition at Cremona, he never saw a copy of the defensive process given to the criminals in that court, and he advises all the inquisitors, to act in the same manner; because sometimes the criminal produces in his defence witnesses of a tender conscience, who rather make against him, and for this reason inconveniences may arise from the grant of this process. And this he says is the practice of the Spanish Inquisition. But whatever the copy is which is granted him, he hath a term fixed him for making his defence, within which, if he thinks fit, he gives in his informations as to fact and law, to prove his innocence.

Obstinate heretics are denied a defence,<sup>b</sup> but criminals, not yet convicted, are allowed to make the best they can. The first and principal defence of those who are innocent, is to deny the crimes which are falsely objected to them. Such a one must constantly persist in his denial of them, that he may not

<sup>a</sup> Cap. 57.

<sup>b</sup> Simanc. Cath. Inst. c. 17.]

unjustly condemn, and give false evidence against himself. Such a one however cannot prove directly by witnesses that he did not say or do such a thing ; but when the place and time of the crime, said to be committed, is assigned, he may prove that he was not then and there present, and that therefore he did not say or do any thing of which he is accused. And when he hath proved this by several reputable witnesses, he is to be absolved.



## CHAP. XXIII.

### *How the INQUISITOR may be rejected.*

THERE are other exceptions against the judge himself,<sup>a</sup> and those are principally two, the first is the refusal of the inquisitor. This refusal is sometimes reasonable and just, sometimes frivolous and void. But in this tribunal many causes, which are sufficient to set aside other judges, are not admitted, but only these, enmities, conspiracy against the criminals, or something like it, as a grievous contention, whence enmity may easily arise. Lesser causes are never allowed. Or if the inquisitor hath dealt hardly by the criminal, contrary to the common course of the law.<sup>b</sup> If the inquisitor apprehends that the accused person will refuse him upon this latter account, he may give a full deputation to some other person, before he is acquainted with his being rejected, after which such rejection is void, and the deputation made stands good. If such rejection be presented to the inquisitor, he may amend his mistake, and reduce the process to the condition it was in, before the

<sup>a</sup> Direct. p. 3. n. 120.

<sup>b</sup> In Portugal, the ignorance of the inquisitors is absolutely proverbial, so much so, that when any nobleman or rich person has occasion to converse on the subject of bringing up his sons, he says, "As to my son, who is the most stupid of his brothers, we must send him to learn divinity, or the canon law, that he may become an inquisitor or a canon."

injury complained of; and thus the grievance being removed, the reason of suspicion ceases, and the refusal of the inquisitor becomes void.

If he rejects him as an enemy,<sup>c</sup> or as a friend of his enemy or accuser, Eymeric is of opinion, that the matter must be left to arbitrators to determine it. But now the reason of such refusal must be remitted to the supreme senate of the inquisition, that the affair being summarily taken cognizance of, the inquisitor refused may be rejected, or prohibited to judge in that cause, or on the contrary, may be commanded to proceed. This is determined by the Madrid instruction.<sup>b</sup> “If any one of the inquisitors shall be refused by any criminal, if such inquisitor hath a colleague on the spot, he must then abstain from the cognizance of such cause, and certify the senate of the matter, and in the mean while let his colleague proceed. If he hath no colleague, let him in like manner certify the senate, and not proceed in the cause, until the senate shall decree what ought to be done, after having seen and examined the reasons of the suspicion. The same must be done when all the inquisitors are rejected.”



## CHAP. XXIV.

### *Of the APPEAL from the INQUISITOR.*

ANOTHER exception against the judge is, to appeal from the inquisitor.<sup>c</sup> For although the emperor Frederick decrees,<sup>d</sup> “That all benefit of proclamation and appeal shall be wholly denied to heretics, their receivers and favourers,” yet sometimes such appeal is allowed to the person accused. However, heretics are allowed no appeal from a definitive sentence, because no one is definitively condemned for heresy, unless one that hath confessed it, or who hath been legally convicted, according to the laws of the inquisition; and from such definitive sen-

<sup>a</sup> Direct. com. 30.

<sup>b</sup> A. D. 1561, c. 52.

<sup>c</sup> Direct. n. 121, &c. com. 31.

<sup>d</sup> In l. Commissi nobis, sect. 7.



tences there can be no appeal, in favour of the faith, and out of hatred to heretics, least judgment should be protracted.<sup>a</sup> But an interlocutory sentence is a quite different thing, and from this criminals are allowed to appeal, when they think they have been unjustly dealt with.

Simancas confirms the same:<sup>b</sup> “ Heretics cannot appeal from a definitive sentence, though they may from all interlocutory sentences, if it doth not yet appear that the criminals are heretics. So that if a criminal be condemned to the torture, or to purgation, to be bastinadoed, or to a fine, he may appeal, because it doth not appear that he is an heretic, but only suspected ; nor doth he appeal from the law, but from the judges, who have pronounced sentence according to their pleasure.”

This appeal must consist of two parts. The grievance which the criminal affirms he lies under, and the plea by which such grievance is proved.

Some grievances are capable of being remedied. As if the inquisitor should not admit the accused person to make his defence, or hath singly, and by himself, without the bishop or vicar, commanded him to be put to the question. Other grievances are irreparable, as if he hath actually made him undergo the torture. And, therefore, when the accused person alleges the grievances, and again and again demands letters of appeal ;<sup>c</sup> the inquisitor, after such an appeal is exhibited to him, must, within thirty days, examine the reasons of such an appeal, and if, after having taken the advice of proper persons, he finds that he hath unjustly aggrieved the accused person, he must, at the term assigned, amend what hath been amiss, remedy the grievances complained of, and bring the process to its former state, and then proceed as before. For when the grievance is removed, the appeal is void.

<sup>a</sup> Cap. Ut Inquisitionis, de hæret. l. 6.

<sup>b</sup> De Cathol. Inst. tit. 6. sect. 3.

<sup>c</sup> *Apostoli*. Those *Apostoli* were demissory letters, granted by ecclesiastical officials and judges, to those who appealed to the pope at Rome.

## CHAP. XXV.

*How they proceed against those who make their Escape.*

THUS have we given an account of the method of proceeding against a criminal actually in jail.<sup>a</sup> But if he absent, or hath made his escape, the process is formed against him after this manner. When any one is informed against before the inquisitor for being infected with heresy, and such person is not present in the place where the inquisitor lives, but dwells in some other place, within the bounds of the inquisitor's jurisdiction, he is said to be absent, but not a fugitive.

But when any one knows that inquisition is made against him,<sup>b</sup> or is actually imprisoned, and yet makes his escape, to avoid the hands of the inquisitors, he is said to be a fugitive. In this case, the inquisitor first enquires diligently, and without noise, to what place he is fled, and where he hath concealed himself; and if he finds out the place, orders him to be taken up, and sent back to him. If it be within his own jurisdiction, he may require the temporal lord to apprehend him, and conduct him within his district. Yea, he may require the same from any other lord, whilst he hath him in possession. If he be without his jurisdiction, he may nevertheless proceed against him, and require the inquisitor, in whose jurisdiction he is, to cause him to be taken up, and sent back to him, or send him his process, that he may do what justice shall require.

If the inquisitor cannot find out the place to which the criminal is fled, he cites him personally in the cathedral church of that diocese to which he belongs, and in the parish church of that city, where he dwelt before his escape, and, finally, in his own proper house in which he commonly lived, personally to appear within a certain term before the inquisitor, to answer concerning the faith and articles of faith, under this penalty, that if he doth not appear within the term assigned

<sup>a</sup> Direct. p. 3. n. 30. Com. 33.

<sup>b</sup> Com. 133.

him, he shall be excommunicated with the greater excommunication; and if taken afterwards, must be punished by public whipping and closer confinement.



## CHAP. XXVI.

### *How the PROCESS is ended in the INQUISITION.*

AFTER the process is thus begun and carried on, it remains that we now explain how it is finished.

When all the defences are exhibited, the criminal presses to have his cause dispatched. This may and must be done either by the imprisoned criminal himself, or by his procurator or advocate, and that either by speaking, or by presenting a short petition.

“ After this, the judges with their assessors and counsellors,<sup>a</sup> having examined the proofs, shall consider, and shall proceed according to the merits of the causes to pass sentences, or to interlocutories,<sup>b</sup> and absolve the innocent, and leave the obstinate to the secular judge, and condemn such as are suspected, according to the nature of their crimes, persons and proofs, either to the question, or abjuration, or purgation, or imprisonment, or banishment, or to a fine; or shall enjoin them to purge and redeem their fault by fastings, prayers, and alms.

Simancas hath given us a brief account of the manner of pronouncing sentence, which I shall here insert, because it fully represents to us the method which is usually observed in these cases.

“ All the judges are obliged to read the sentences,<sup>c</sup> out of a little book or brief, and must do it themselves, and not by others, unless they are illustrious persons, or in some post of great dignity. And, therefore, when the inquisitors have a

<sup>a</sup> Simanc. t. 44. sect. 26.

<sup>b</sup> *Interlocutio* is not a definitive sentence, but the determination of some smaller matter in a cause, till the principal cause is fully discussed.

<sup>c</sup> Simanc. t. 46. sect. 1.

cause before them of more than ordinary consequence, they may pronounce sentence by others, which must be done before the clergy and people, for instruction, warning, and terror.— And this was formerly the custom in Spain.

“ The form of a sentence of condemnation is this.<sup>a</sup> First the nature of the doctrine or opinions asserted by the criminal himself, is declared; after this, the diligent enquiry that hath been made into his crimes, the citations, admonitions, confessions, legal proofs, the times given for repentance, his mind hardened in his errors, his obstinate persisting in them, and all other things, which may tend to shew that the process which hath been carried on and observed against him hath been just, are enumerated. All which particulars being laid down in their order, then follows the sentence itself, formed as the nature of the crime requires, according to the ecclesiastical rules, containing the condemnation of the opinions, authors, books, and other matters.

“ Besides,<sup>b</sup> in the sentence of condemnation, the time must be declared from which the criminal fell into heresy, that by a bare inspection, the judge of the forfeited effects may know from what day his effects are to be confiscated, which is provided by a certain letter of the inquisitor general, for this reason, that there may be no need of looking over the whole process on this account, in which there are several things which ought to be kept secret. It is also provided by another letter of the senate, that when the judges and the learned are deliberating about the sentence to be pronounced, they shall fix the time of the heresy. This letter is printed amongst the instructions, and dated from Granada, A. D. 1499.

“ The sentence, by which persons lapsed into heresy are re-incorporated into the church, is in this form.<sup>c</sup> They are declared to have been heretics or apostates, and to have incurred the penalties established by law. But inasmuch as they say they will return to the church with a pure heart, and faith unfeigned, the judges absolve them from excommunication,

<sup>a</sup> Simanc. t. 60. sect. 2.

<sup>b</sup> Ibid. sect. 3

<sup>c</sup> Ibid. sect. 5.



and reconcile them to the church, if it be true what they say, that they are unfeignedly and truly converted.<sup>a</sup>

“ But in a sentence of condemnation the criminal must be declared an obstinate heretic, and his effects be confiscated, and his opinions and writings must be condemned and anathematized, and he must be moreover deprived of all ecclesiastical heresies, public offices, and honours whatsoever, and, finally, be delivered over to the secular court, to receive his due punishment.<sup>b</sup>

“ But if any one, after sentence of reconciliation, shall be convicted of having concealed any heresies or heretics, or to have boasted that he was innocent, and unjustly condemned, he must be examined again as an impenitent; nor will the sentence by which he was reconciled to the church, be of any service to him, because it appears by this very thing, that it was pronounced upon a feigned confession and pretended conversion.<sup>c</sup> Besides, if any new proof arises against the convert, his cause must be tried over again, notwithstanding the sentence of re-incorporation or absolution, or purgation, or question pronounced before in the same cause.<sup>d</sup>

“ When the inquisitors differ, and the cause is determined by the senate of the holy inquisition, all must subscribe to the sentence, even they who were of the contrary or different opinion.<sup>e</sup> If there should happen to be in any province three inquisitors, and one agrees with the bishop or his vicar, and the two others differ from them, the cause must be remitted to the senate. But if two agree with the ordinary judge, the sentence must be immediately pronounced, without any mention made of the difference about pronouncing such sentence. All these things are more fully contained in several letters of the senate.

“ It is also the custom, that when the sentences against heretics are publicly pronounced, to read those last of all, by which the obstinate and impenitent are condemned; and

<sup>a</sup> 1 Instruct. Hispal. c. 10.

<sup>b</sup> Simanc. sect. 6.

<sup>c</sup> Ibid. sect. 8

<sup>d</sup> 1 Instruct. Hispal. c. 13. 3 Instruct. Valdolit. c. 3.

<sup>e</sup> Simanc. sect. 10.

after they have read over a summary account of the acts of the process, to make a pause, and admonish the heretics before all the people, that they would at length be converted, because as yet the time of mercy is not out.<sup>a</sup> If they say they will be converted, they are to be carried back to jail, and admitted to penance if converted. But if they persist in their obstinacy and impenitence, their sentence must be read, after which they must be immediately seized on by the secular judge, and being condemned to the flames, be directly burnt. Lutherans are dealt with in a different manner, because they are the worst, and the most pernicious of all heretics, and very seldom truly converted; on which accounts they are treated with greater severity.

“In this order the sentences were pronounced in Spain against heretics descending from Jews and moors, because they could hurt only themselves, or those of the same race with themselves; for during the space of eight hundred years, none of the noble or antient Christians were infected by them.<sup>b</sup> But after that the pernicious heretics of our time are found to have infected not only antient, but even some noble Christians with their impiety, they are not admitted to be reconciled at the last moment when sentence is to be pronounced, because then they ask pardon rather through fear of immediate death, than willingly and from the heart, and being thus but feigned converts may do a great deal of mischief.”



## CHAP. XXVII.

### *How the PROCESS is ended by Absolution.*

HAVING said these things in general, it now remains, that we distinctly explain how every process is finished.

The first manner of ending a process in causes of the faith,

<sup>a</sup> Simanc. sect. 11.

<sup>b</sup> Ibid. sect. 12.

is by absolution, when the criminal is not found guilty. And this may happen two ways, either because he was really found innocent, the informers and witnesses being found guilty of falsehood, or because the accusation against him was not fully proved.

If he is found innocent after the first manner, especially if the witnesses have retracted their depositions, then he may be pronounced innocent. And in this case, as Paramus tells us,<sup>a</sup> the accused person, whose innocence appears, rides upon an horse, amidst the applause of the people, crowned with laurel and palm-branches, after the manner of a triumph.

If he is not found guilty, after the second manner, because he is not convicted neither by his own confession,<sup>\*</sup> nor the evidence of fact, nor by the legal producing of witnesses, and is not otherwise found to be suspected, nor publicly defamed for the aforesaid crime, he is absolved by the bishop and inquisitor together, or by either of them separately.<sup>b</sup>

For that the prisoner cannot be condemned in such a case,<sup>c</sup> is expressly determined by the council of Biterre,<sup>d</sup> and by that of Narbonne.<sup>e</sup> “But proceed to the condemnation of no person, without his own confession, or clear and open proofs; for it is better to suffer a crime to go unpunished, than to condemn the innocent.”

In such a sentence of absolution there is no mention made of the heresies or crimes, for which such person is accused or informed against, because they are not proved. This hath been provided for by the Madrid instruction,<sup>f</sup> whether it be pronounced upon a person dead or alive. “When he who defends the memory and reputation of a person deceased, hath legally maintained his cause, and the deceased person is to be absolved from any farther trial, his sentence shall be pronounced in the public act, because the edicts were published against him. However, in this case, the statue of such deceased person who is absolved in the public act, shall not be brought forth, nor shall the particular errors of which he was accused,

<sup>a</sup> l. 2. t. 3. c. 1, n. 12.

Direct. p. 3. n. 141.

<sup>c</sup> Ibid. com. 121.

<sup>d</sup> Cap. 11.

<sup>e</sup> Cap. 23.

<sup>f</sup> A. D. 1561. cap. 62.

be recited, because they are not proved. The same must be observed with respect to those, who are personally apprehended and accused, and absolved from farther trial, if they shall demand it."

Not that they are wont to pronounce such criminal free from heresy, but only to declare that nothing is legally done against him, on account of which he may, or ought to be pronounced an heretic, or any ways be suspected of heretical pravity; and that therefore he is wholly released from his present trial, inquisition and judgment. But they carefully avoid putting into his sentence that he was innocent, or not guilty, that if so be he should afterwards be informed against, and the crime legally proved, he may be condemned notwithstanding the aforesaid sentence of absolution. But if it should happen that any one is pronounced wholly innocent, and is afterwards accused of the same crime, their doctrine is, that notwithstanding his sentence of absolution, he may be again judged and condemned; because, in this crime no sentences whatsoever can ever be accounted as an adjudged case, in favour of the faith.

In the same manner also they are absolved who are accused of receiving, defending, or otherwise favouring heretics or heretical pravity, when nothing is legally granted against them.



## CHAP. XXVIII.

*How the PROCESS against a Person defamed for Heresy is ended by Canonical Purgation.*

WHEN the person accused is only found to be defamed for heresy, in any village, city, or province, and is not convicted either by his own confession, or the evidence of the fact, or by the legal producing of witnesses, or any other legal proofs,



and infamy only is precisely against him, he is not absolved, but he is enjoined canonical purgation by the bishop and inquisitor together, and not separately.<sup>a</sup>

“ There is frequent mention made of canonical purgation, in the papal law, and though in all other crimes it is grown into disuse, yet in the crime of heresy it is now practised, and is very common in the sacred court of the inquisitors.<sup>b</sup> For which reason Godofred praises Spain in these words. Persons suspected of heresy are punished in the most religious kingdoms of Spain, triumphing especially in these times, and worthy of singular praise, because it suffers not only no real heresy, but even no suspicion of heresy to remain even a moment without a suitable censure.”

In the cause of canonical purgation it is required, that certain witnesses (the number being determined by the inquisitor according to the crime) shall appear in favour of the accused, who, after having been solemnly sworn, declare his innocence of the charges alledged against him; and the accused himself swears to his innocence, promising to continue in the belief of the Catholic faith: having performed this purgation he is declared to be a person of good repute.

But as this purgation depends wholly on the pleasure of other persons, it is a very deceitful and uncertain thing, and therefore should not easily be enjoined criminals by the inquisitors.<sup>c</sup> Thus the Madrid instruction.<sup>d</sup> “ Canonical purgation is, through the wickedness of men, a very dangerous remedy, especially in these times, and therefore it is not much used, and must therefore be seldom practised, and with great caution.”<sup>e</sup> Hence Simancas judges, that those who are born of Jewish or Moorish parents, must not be compelled to this purgation, because it would be the same thing as to throw them directly into the fire. For who doth not think ill of them, or at least doubt of their innocence? And therefore he thinks it would be better to compel them by abjuration, torments, or arbitrary punishments. But if they are at any time

<sup>a</sup> Direct. n. 144. com. 38.

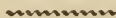
<sup>b</sup> Simanc. t. 56. sect. 1.

<sup>c</sup> Pegna, in Direct. p. 2. com. 14.

<sup>d</sup> A. D. 1561. cap. 47.

<sup>e</sup> Simanc. tit. 56. sect. 1.

condemned to this purgation, and they cannot procure such compurgators as are required, others are to be admitted, though not altogether so fit, that he may not be wholly deprived of the means of his defence. And finally, he again and again admonishes the inquisitors not rashly or easily to condemn any one to canonical purgation, for this reason, amongst others, that it is enough to sink the criminal, if the witnesses answer, that they do not know, or doubt, whether he swore true or false. And indeed who would not be doubtful in this case, who knows that no one is condemned to purgation who is not vehemently suspected. And therefore, in his opinion they only are to be enjoined purgation, whose reputation is of high concern to the Christian people, viz. bishops, priests, preachers, and others of the same kind.



## CHAP. XXIX.

### *How the PROCESS is ended by Torture.*

WHEN the person accused is not found guilty, either by his own confession, or the evidence of the fact, or legally producing the witnesses, and when there is no such evidence to support the suspicion, as is necessary to his being condemned to abjure heresy, he is condemned by an interlocutory sentence to the question and torture, that if he confesses nothing when interrogated by torture, he may be esteemed as free and innocent, and that if he confesses his errors he may be converted and live. “For the same end,” says Simancas, “Paul delivered the Corinthian to Satan for the destruction of his flesh, that his spirit might be saved.”<sup>a</sup>

Royas however says,<sup>b</sup> that Ulpian spoke well, when he affirmed, that credit should not always be given to the question, for it is a very frail and dangerous thing, and oftentimes keeps

<sup>a</sup> Cathol. Instit. t. 65. sect. 11.

<sup>b</sup> Royas, p. 2. Assert. 31. sect. 295, 296.

the truth from appearing. Some are fearful, who had rather lie and speak falsehood instead of truth, than endure torments. And yet in the crime of heresy, Royas would have the judges peculiarly disposed, and ready to put men to the torture, because it is a crime concealed in its nature, and there is oftentimes great want of proof. Simancas adds, that in secret crimes a judge ought to be more ready to inflict torture than in others, and especially in heresy, which lies hid in the heart, and is more concealed than other crimes.<sup>a</sup> Add to this, that an heretic's confessing, will be greatly profitable to himself and the whole commonwealth.

The cases, in which they proceed to the torture in the process of the inquisition, are various. This however is a received thing, that they are never to proceed to torture, unless there be a defect of other proofs, and they think that the truth cannot otherwise be found out. Hence they do not proceed to the torture, till after the criminal hath a copy of his process, and he hath answered to all the articles, and exhibited his defences, and yet cannot make his innocence appear plainly to the judge, when at the same time he cannot be fully convicted by witnesses, or the evidence of the thing.

A copy of the proofs is not to be given, when the criminal is found contradicting himself, faltering or trembling. For such contradiction, faltering, or trembling, when other external proofs are wanting, may determine the judge to proceed to torture upon any one of them. But others say that every variation is not enough in order to the torture. Bernard Comensis writes to the same purpose.

It is farther to be observed, that the judge must take care that it be diligently and distinctly inserted at large by the notary in the acts, whether the person interrogated answered with resolution, or in a trembling manner; what signs he discovered in his face, whether paleness or tears, or laughter, or sweat, or trembling; because, in case of an appeal, the superior judge, who cannot look on the criminals and witnesses personally, but only as they are described in writing, cannot come to

<sup>a</sup> Simanc. tit. 65. sect. 51.

the knowledge of these particulars, unless they are described at large by the first judge; nor can the judge appealed to presume that there hath been any inconsistency, because he knew, that if there had, it ought to have been expressed in the acts transmitted to him. And this is the more necessary, lest the judge himself, upon examination, should be proved to have ordered the criminal to be tortured without proof. This inconsistency must be declared in presence of the inconsistent witness, when the judge intends to punish him on this account.

And this is what Campegius particularly recommends to the vicars or commissaries of the inquisitor, or the other deputies of the holy offices, that they let the inquisitor know how far persons, under examination, are to be credited, which principally depends on their looks. He thinks the same ought to be diligently observed, whether the inquisitor himself, or his vicar, makes the examination, with respect to those skilful persons, whose advice they take, who also ought to know these things.

But it depends wholly on the pleasure of the judge, whether or no the person accused shall be tortured or not, upon account of such inconsistency, faltering, contradiction, trembling, sweat, &c.

If there are proofs sufficient for inquisition and arrest, but not for the torture, a prudent judge may collect sufficient proofs for the torture from such inconsistency, and the like.

But yet there is a case given, in which a person may be tortured without any proofs and copy given, viz. when the person under inquisition is present, and will not answer. For then he is to be tortured not to extort a confession, but an affirmative or negative answer. Likewise, if a person under inquisition doth not appear within the due term, and is thereupon declared guilty of contumacy, and afterwards comes to purge himself from such contumacy, he may, without any other proofs, be tortured upon account of it.

The inquisitors sometimes shamefully and rashly proceed to the torture of innocent persons, as will evidently appear by one instance, not to mention more, given us by Gonsalvus.\*

“ At the same time almost they apprehended in the inquisition



at Seville, a noble lady, Joan Bohorquia, the wife of Francis Varquius, a very eminent man, and lord of Higuera, and daughter of Peter Garsia Xeresius, a wealthy citizen of Seville. The occasion of her imprisonment was, that her sister, Mary Bohorquia, a young lady of eminent piety, who was afterwards burnt for her pious confession, had declared in her torture, that she had several times conversed with her sister concerning her own doctrine. When she was first imprisoned, she was about six months gone with child, upon which account she was not so straitly confined, nor used with that cruelty which the other prisoners were treated with, out of regard to the infant she carried in her. Eight days after her delivery, they took the child from her, and on the fifteenth shut her close up, and made her undergo the fate of the other prisoners, and began to manage her cause with their usual arts and rigour. In so dreadful a calamity she had only this comfort, that a certain pious young woman, who was afterwards burnt for her religion by the inquisitors, was allowed her for her companion. This young creature was, on a certain day, carried out to her torture, and being returned from it into her jail, she was so shaken, and had all her limbs so miserably disjointed, that when she laid upon her bed of rushes, it rather increased her misery than gave her rest, so that she could not turn herself without the most excessive pain. In this condition, as Bohorquia had it not in her power to shew her any, or but very little outward kindness, she endeavoured to comfort her mind with great tenderness. The girl had scarce began to recover from her torture, when Bohorquia was carried out to the same exercise, and was tortured with such diabolical cruelty upon the rack, that the rope pierced and cut into the very bones in several places, and in this manner she was brought back to prison, just ready to expire, the blood immediately running out of her mouth in great plenty. Undoubtedly they had burst her bowels, insomuch, that the eighth day after her torture she died. And when, after all, they could not procure sufficient evidence to condemn her, though sought after and procured by all their inquisitorial arts, yet as the accused person was born in that place, where they were obliged to give some account of the affair to the

people, and indeed could not by any means dissemble it, in the first act of triumph appointed after her death, they commanded her sentence to be pronounced in these words:—‘Because this lady died in prison, (without doubt suppressing the causes of it) and was found to be innocent upon inspecting and diligently examining her cause, therefore the holy tribunal pronounces her free from all charges brought against her by the fiscal, and absolving her from any farther process, doth restore her both as to her innocence and reputation, and commands all her effects which had been confiscated, to be restored to those to whom they of right belonged,’ &c. And thus after they had murdered her by torture with savage cruelty, they pronounced her innocent.”

When the sentence is pronounced by which the criminal is condemned to the torture, according to the manner of the inquisitorial law and processes, it is immediately to be notified to the promoter of the exchequer, that he may either appeal from it, or demand the execution of it, as it is contained in the letters of the inquisition.<sup>a</sup>

Formerly the torture was inflicted by lay judges upon heretics or suspected persons, according to the constitution of Innocent IV.<sup>b</sup> But because by this means, secret matters were oftentimes divulged, and great inconveniences to the faith arose from hence, they afterwards thought it more convenient and wholesome, that the whole cognizance and full discussion of these crimes, which are merely ecclesiastical, should be confined to the inquisitors. And as this could not oftentimes be done without the question, it was therefore provided, that the inquisitors and bishops might torture criminals for these offences. And upon this account they had this privilege granted them, that if at any time they should happen to contract any irregularity, they should mutually dispense with each other. As appears from the rescript of Urban IV. beginning, *Ut Negotium*. And this is the law now in practice.

The bishop and inquisitor, therefore, meet together, and by an interlocutory sentence, pronounce that the accused person is

<sup>a</sup> Simanc. t. 65. sect. 53.

<sup>b</sup> Pegna, in p. 3. com. 110.

to be put to the torture such a day and such an hour. Thus the Madrid instruction<sup>a</sup> commands: "Let the inquisitors and ordinary meet together, to pronounce sentence of torture, and in the same manner be present at the execution of it, by reason of the various cases that may happen under the torture." For neither the bishop nor the inquisitor, nor the inquisitor without the bishop, or his vicar, can put any one to the torture. But if the bishop or his vicar, upon summons sent them, either refuses or neglects to be present within eight days, the inquisitor may proceed alone to the torture; or if one be not within reach of the other, if he be absent a great way off, then the other may proceed by himself. But what place may be said to be a great way off, is left at the pleasure of the judge to determine. However, the bishop and inquisitor may depute each other, or signify their consent by letters, which must be done within eight days after they are summoned. In the inquisition at Cremona,<sup>b</sup> the advocate of the exchequer is present at the torture, and the inquisitor there sits in the middle between the vicar general on his right hand, and the advocate on his left.

As to the persons who may be tortured,<sup>c</sup> although in all other causes and crimes some persons are excepted, such as doctors, soldiers, officers, Noblemen, and their sons, yet in this most grievous and horrible crime of heresy, there is no privilege to defend any one, but all may be put to the torture, even clergymen, monks, or other religious. But to prevent excommunication, by grievously torturing or hurting them, and on account of the dignity with which they are invested, they torture them more gently and mildly, unless the heinousness of the crime, and the strength of the evidence requires otherwise. As to such who are freed from being tortured for other crimes upon account of their youth, or old age, or being with child, they are not to be tortured for heresy. Persons under twenty-five may be tortured for suspicion of heresy, but not if they are under fourteen, but they may be terrified and beat. Neither is there any exception of place, although by ancient custom or municipal laws the torture is not otherwise to be in-

<sup>a</sup> A. D. 1561. c. 48.

<sup>b</sup> Carena, p. 1. t. 9. num. 41.

<sup>c</sup> Pegna, *ibid.* p. 642, 643.

flicted there. Thus in the kingdom of Aragon, no judge can order any criminal to the torture, but yet in favour of the faith, any persons, even though privileged, may be tortured for suspicions of heresy.

After the sentence of torture is pronounced, the officers prepare themselves to inflict it.<sup>a</sup> “The place of torture in the Spanish inquisition is generally an under-ground and very dark room, to which one enters through several doors. There is a tribunal erected in it, in which the inquisitor, inspector, and secretary, sit. When the candles are lighted, and the person to be tortured brought in, the executioner, who was waiting for the other, makes an astonishing and dreadful appearance. He is covered all over with a black linen garment down to his feet, and tied close to his body. His head and face are all hid with a long black cowl, only two little holes being left in it for him to see through. All this is intended to strike the miserable wretch with greater terror in mind and body, when he sees himself going to be tortured by the hands of one who thus looks like the very devil.”

Whilst the officers are getting things ready for the torture, the bishop and inquisitor by themselves, and other good men zealous for the faith, endeavour to persuade the person to be tortured, freely to confess the truth, and if he will not, they order the officers to strip him, who do it in an instant.<sup>a</sup> Clergymen however must not be tortured by a lay officer or torturer, unless they cannot find any clergymen who know how to do it, or are willing, because it would be in vain for the judges to order any clergyman or monk to the torture, if there was no body to inflict it; and therefore in such a case it is usual to torture them by lay officers.

Whilst the person to be tortured is stripping, he is persuaded to confess the truth. If he refuses it, he is taken aside by certain good men, and persuaded to confess, and told by them, that if he confesses, he will not be put to death, but only be made to swear that he will not return to the heresy he hath

<sup>a</sup> Gonsalv. p. 65, 66.

<sup>b</sup> Simanc. t. 65, sect. 50.



abjured. The inquisitor and bishop promise the same, unless the person be a relapse.

If he is neither persuaded by threatnings or promises to confess his crime, he is tortured either more lightly or grievously, according as his crime requires, and frequently interrogated during the torture, upon those articles for which he is put to it, beginning with the lesser ones, because they think he will sooner confess the lesser matters than the greater.

“The criminals are with great care and diligence to be admonished by the inquisitors,<sup>a</sup> and especially when they are under torture, that they should not by any means bear false witness against themselves or others, through fear of punishments or torments, but speak the truth only. Nor may the inquisitors promise pardon or forgiveness of the offence, to compel the criminals to confess crimes which they have not committed, out of their great zeal to inquire out the truth. And such a false confession the accused person may safely revoke.”

The inquisitors themselves must interrogate the criminals during their torture,<sup>b</sup> nor can they commit this business to others, unless they are engaged in other important affairs, in which case they may depute certain good and skilful men for the purpose.<sup>c</sup> Although in other nations criminals are publicly tortured, yet in Spain, it is forbidden by the royal law, for any to be present whilst they are torturing, besides the judges, secretaries and torturers. The inquisitors must also chuse proper torturers, born of ancient Christians, who must be bound by oath, by no means to discover their secrets, nor to report any thing that is said.<sup>d</sup> The judges also usually protest, that if the criminal should happen to die under his torture, or by reason of it, or should suffer the loss of any of his limbs, it is not to be imputed to them, but to the criminal himself, who will not plainly confess the truth before he is tortured.<sup>e</sup> An heretic may not only be interrogated concerning himself, but in general

<sup>a</sup> Royas, p. 2. Assert. 20. sect. 226.

<sup>b</sup> Simanc. t. 65, sect. 51, 55.

<sup>c</sup> 1 Instruct. Hispal. c. 18.

<sup>d</sup> Simanc. t. 65, sect. 56.

<sup>e</sup> Ibid. sect. 59.

also concerning his companions and accomplices in his crime, his teachers and his disciples, for he ought to discover them, though he be not interrogated; but when he is interrogated concerning them, he is much more obliged to discover them than his accomplices in any other the most grievous crimes.<sup>a</sup> A person also suspected of heresy, and fully convicted, may be tortured upon another account, i. e. to discover his companions and accomplices in the crime. This must be done when he hesitates, or it is half fully proved at least that he was actually present with them, or hath such companions and accomplices in his crime; for in this case he is not tortured as a criminal, but as a witness. But he who makes full confession of himself, is not tortured upon a different account; whereas if he be a negative, he may be tortured upon another account, to discover his accomplices and other heretics, though he be fully convicted himself, and it be half fully proved that he hath such accomplices.<sup>b</sup> The reason of the difference in these cases is this,<sup>c</sup> because he who confesses against himself, would certainly much rather confess against other heretics if he knew them. But it is otherwise when the criminal is a negative.

Whilst these things are doing, the notary writes every thing down in the process, as what tortures were inflicted concerning what matters the criminal was interrogated, and what he answered. If by these tortures they cannot draw from him a confession, they shew him other kind of tortures, and tell him he must undergo all of them, unless he confesses the truth. If neither by this means they can extort the truth, they may to terrify him and engage him to confess, assign the second or third day to continue, not to repeat the torture, till he hath undergone all those kinds of them to which he is condemned.

The degrees of torture formerly used were five, which were inflicted in their turn, and are described by Julius Clarus.<sup>d</sup> “ Know therefore, says he, that there are five degrees of tor-

<sup>a</sup> Simanc. t. 65, sect. 60.

<sup>b</sup> Instruct. Madrid. A. D. 1561. c. 45.

<sup>c</sup> Royas, p. 2. Assert. 34.

<sup>d</sup> Pract. crim. sect. fin qu. 64 Versic. Nunc de gradibus

ture, viz. First, the being threatened to be tortured. Secondly, being carried to the place of torture. Thirdly, by stripping and binding. Fourthly, the being hoisted up on the rack. Fifthly, squassation.

The stripping is performed without any regard to humanity or honour, not only to men, but to women and virgins,<sup>a</sup> though the most virtuous and chaste, of whom they have sometimes many in their prisons. For they cause them to be stripped, even to their very shifts, which they afterwards take off, forgive the expression, and then put on them strait linen drawers, and then make their arms naked quite up to their shoulders. As to squassation, it is thus performed:<sup>b</sup> the prisoner hath his hands bound behind his back, and weights tied to his feet, and then he is drawn up on high, till his head reaches the very pulley. He is kept hanging in this manner for some time, that by the greatness of the weight hanging at his feet, all his joints and limbs may be dreadfully stretched, and on a sudden he is let down with a jirk, by the slacking the rope, but kept from coming quite to the ground, by which terrible shake, his arms and legs are all disjoined, whereby he is put to the most exquisite pain; the shock which he receives by the sudden stop of his fall, and the weight at his feet stretching his whole body more intensely and cruelly.

In the next paragraph, *Et Audivi*, he gives a more distinct explication of this matter, and reckons up three degrees of torture. “The first is to terrify, which comprehends not only threatnings to torture, but being carried to the place of torments, the being stripped and bound; unless such binding should happen to be too severe and hard, and performed with a twist, as is the custom of most judges. Thus it was practised upon a certain physician of Olezo, who suffered more by being bound, than others in the very torture. And therefore such binding may be equalled to the torture itself. The second degree is, to put to the torture, or to interrogate by torture. This is done by hoisting a person up, and keeping him hanging for a considerable time. The third is to torture by squassation,

<sup>a</sup> Gonsalv. p. 67.

<sup>b</sup> Ibid. p. 70.

which is performed amongst us by one jirk of the rope. But if the senate commands that the person be well or severely thus tortured, they give two jirks of the rope." Antonius Drogus, in his annotations on this place, says, "that you may have the perfect modern practice, observe, that when the senate orders, 'let him be interrogated by torture,' the person is lifted or hoisted up, but not put to the squassation. If the senate orders, 'let him be tortured,' he must then undergo the squassation once, being first interrogated as he is hanging upon the rope and engine. If it orders, 'let him be well tortured,' it is understood that he must suffer two squassations. If it orders, 'let him be severely tortured,' it is understood of three squassations, at three different times within an hour. If it says, 'very severely,' it is understood that it must be done with twisting,—and weights at the feet. In this case the senate generally expresses the twisting, or any other particular manner which they intend, and the judge may proceed to every severity not reaching to death. But when it says, 'very severely even unto death,' then the criminal's life is in immediate danger."

The like method of torture was formerly practised in the Inquisition at Tholouse, as appears from several places in the book of sentences. Thus<sup>a</sup> at the end of the sentence of William Siced, jun. we read, "Nor would he judicially confess concerning the aforesaid, till he was put in jail, and hoisted up a little upon the rope." And<sup>b</sup> we read that William Cavallerii, after a considerable time, revoked what he had before confessed, saying, "that he confessed nothing concerning heresy, but what was forced from him by the violence of torment." And finally,<sup>c</sup> in the sentence of Friar Bernard Deliciosi, of the order of minors, amongst other things, this was imputed to him as a crime, "that he justified those who were apprehended for heresy, and condemned for it, and ordered to perpetual imprisonment and other punishments, and that though they were true Catholics, they had confessed heresy of themselves and others, only through the violence of their torments, and were unjustly condemned."

<sup>a</sup> Fol. 67.<sup>b</sup> Fol. 131.<sup>c</sup> Fol. 132.



The author of the history of the Inquisition at Goa tells us,<sup>a</sup> that the torment now practised in the Portuguese Inquisition is exceedingly cruel. “In the months of November and December, I heard every day, in the morning the cries and groans of those who were put to the question, which is so very cruel, that I have seen several of both sexes who have been ever after lame. In this tribunal they regard neither age nor sex, nor condition of persons, but all without distinction are tortured, when it is for the interest of this tribunal.

The method of torturing, and the degree of tortures now used in the Spanish inquisition, will be well understood from the history of Isaac Orobio, a Jew, and doctor of physic, who was accused to the inquisition as a Jew, by a certain Moor his servant, who had by his order before this been whipped for thieving; and four years after this he was again accused by a certain enemy of his for another fact, which would have proved him a Jew. But Orobio obstinately denied that he was one. I will here give the account of his torture, as I had it from his own mouth. After three whole years which he had been in jail, and several examinations, and the discovery of the crimes to him of which he was accused, in order to his confession, and his constant denial of them, he was at length carried out of his jail, and through several turnings brought to the place of torture. This was towards the evening. It was a large under-ground room, arched, and the walls covered with black hangings. The candlesticks were fastened to the wall, and the whole room enlightened with candles placed in them. At one end of it there was an inclosed place like a closet, where the inquisitor and notary sat at a table, so that the place seemed to him as the very mansion of death, every thing appearing so terrible and awful. Here the inquisitor again admonished him to confess the truth, before his torments began. When he answered he had told the truth, the inquisitor gravely protested, that since he was so obstinate as to suffer the torture, the holy office would be innocent, if he should shed his blood, or even expire in his torments. When

he had said this, they put a linen garment over his body, and drew it so very close on each side, as almost squeezed him to death. When he was almost dying, they slackened at once the sides of the garment, and after he began to breathe again, the sudden alteration put him to the most grievous anguish and pain. When he had overcome this torture, the same admonition was repeated, that he would confess the truth in order to prevent farther torment. And as he persisted in his denial, they tied his thumbs so very tight with small cords, as made the extremities of them greatly swell, and caused the blood to spurt out from under his nails. After this he was placed with his back against a wall, and fixed upon a little bench. Into the wall were fastened little iron pullies, through which there were ropes drawn, and tied round his body in several places, and especially his arms and legs. The executioner drawing these ropes with great violence, fastened his body with them to the wall, so that his hands and feet, and especially his fingers and toes being bound so straightly with them, put him to the most exquisite pain, and seemed to him just as though he had been dissolving in flames. In the midst of these torments the torturer, of a sudden, drew the bench from under him, so that the miserable wretch hung by the cords without any thing to support him, and by the weight of his body drew the knots yet much closer. After this a new kind of torture succeeded. There was an instrument like a small ladder, made of two upright pieces of wood, and five cross ones sharpened before. This the torturer placed over against him, and by a certain proper motion struck it with great violence against both his shins, so that he received upon each of them at once five violent strokes, which put him to such intolerable anguish that he fainted away. After he came to himself, they inflicted on him the last torture. The torturer tied ropes about Orobio's wrists, and then put those ropes about his own back, which was covered with leather, to prevent his hurting himself. Then falling backwards, and putting his feet up against the wall, he drew them with all his might, till they cut through Orobio's flesh, even to the very bones;

and this torture was repeated thrice, the ropes being tied about his arms about the distance of two fingers breadth from the former wound, and drawn with the same violence. But it happened, that as the ropes were drawing the second time, they slid into the first wound, which caused so great an effusion of blood, that he seemed to be dying. Upon this the physician and surgeon, who are always ready, were sent for out of a neighbouring apartment, to ask their advice, whether the torture could be continued without danger of death, lest the ecclesiastical judges should be guilty of an irregularity if the criminal should die in his torments. They, who were far from being enemies to Orobio, answered, that he had strength enough to endure the rest of the torture, and hereby preserved him from having the tortures he had already endured repeated on him, because his sentence was, that he should suffer them all at one time, one after another. So that if at any time they are forced to leave off through fear of death, all the tortures, even those already suffered, must be successively inflicted, to satisfy the sentence. Upon this the torture was repeated the third time, and then it ended. After this he was bound up in his own clothes, and carried back to his prison, and was scarce healed of his wounds in seventy days. And inasmuch as he made no confession under his torture, he was condemned, not as one convicted, but suspected of Judaism, to wear for two whole years the infamous habit called Sambenito, and after that term to perpetual banishment from the kingdom of Seville.

Ernestus Eremundus Frisius, in his History of the Low Country Disturbances, gives us an account from Gonsalvius,<sup>a</sup> of another kind of torture. There is a wooden bench, which they call the Wooden Horse, made hollow like a trough, so as to contain a man lying on his back at full length, about the middle of which there is a round bar laid across, upon which the back of the person is placed, so that he lies upon the bar instead of being let into the bottom of the trough, with his feet much higher than his head. As he is lying in



nature and age of the tortured criminal.<sup>a</sup> All which things considered, if it appears that he hath sufficiently purged himself of all marks, let them absolve him from any farther process. But if there be any reason and cause, upon considering the aforesaid circumstances, to think that the torture was not inflicted with due rigour, then let them inflict on him either a light or vehement abjuration, or some pecuniary penalty. Although this ought not to be done without great consideration, and unless the proofs are not thought sufficiently purged off.”

But if, when under the question, he confesses, it is written in the process, after which he is carried to another place, where he hath no view of the tortures, and there his confession made during his torments is read over to him, and he is interrogated several times till the confession be made. But here Gonsalvius observes,<sup>b</sup> that when the prisoner is carried to audience, they make him pass by the door of the room where the torture is inflicted, where the executioner shews himself on purpose to be seen in that shape of a devil I have described before, that as he passes by he may, by seeing him, be forced to feel, as it were, over again his past torments. The space of time allowed between the torture and the ratification of the confession, is determined by the Madrid instruction.<sup>c</sup> “Twenty-four hours after the torture the criminal must ratify his confession, and if he retracts it, the remedies provided by law must be made use of. And at the time when the torture is inflicted the notary must write down the hour, as also the time of the ratification, lest if such ratification should be made the next day, a doubt may arise, whether it was after or before the twenty-four hours. If the criminal ratifies his confession made under torture, and the inquisitors are satisfied of his good confession and conversion, they may admit him to reconciliation, although his confession was made under torture. They must, however, prudently take care how they receive such persons, and consider the nature of the heresies they have confessed, and whether they have learned them from others, or have taught them themselves to others, upon account of the danger that may ensue hereby.”

<sup>a</sup> Pegna, in Direct. p. 122

<sup>b</sup> p. 73.

<sup>c</sup> A. D. 1561, c. 53.



and this torture was repeated thrice, the ropes being tied about his arms about the distance of two fingers breadth from the former wound, and drawn with the same violence. But it happened, that as the ropes were drawing the second time, they slid into the first wound, which caused so great an effusion of blood, that he seemed to be dying. Upon this the physician and surgeon, who are always ready, were sent for out of a neighbouring apartment, to ask their advice, whether the torture could be continued without danger of death, lest the ecclesiastical judges should be guilty of an irregularity if the criminal should die in his torments. They, who were far from being enemies to Orobio, answered, that he had strength enough to endure the rest of the torture, and hereby preserved him from having the tortures he had already endured repeated on him, because his sentence was, that he should suffer them all at one time, one after another. So that if at any time they are forced to leave off through fear of death, all the tortures, even those already suffered, must be successively inflicted, to satisfy the sentence. Upon this the torture was repeated the third time, and then it ended. After this he was bound up in his own clothes, and carried back to his prison, and was scarce healed of his wounds in seventy days. And inasmuch as he made no confession under his torture, he was condemned, not as one convicted, but suspected of Judaism, to wear for two whole years the infamous habit called Sambenito, and after that term to perpetual banishment from the kingdom of Seville.

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<sup>a</sup> Pegna, in Direct. p. 122.

<sup>b</sup> p. 73.

<sup>c</sup> A. D. 1561, c. 53.

I am not able to say what was the space of time between the torture and the ratification of the confession made under it, formerly in the inquisition of Tholouse, nor whether the criminal was dismissed if he retracted his confession after the torture was over. There is one instance only of William Cavallerii, in the book of the sentences of the Tholouse inquisition, who being in court, and not under the question or torture, but in a different place, and before different officers, and three whole days after the torture was over, again confessed the things he had before confessed under torture, and persevered in them several times. But afterwards he retracted all, saying, that he confessed through the violence of his torments, who yet is said to be convicted by certain witnesses, some of them single, of certain heretical facts. This person was pronounced an heretic by a definitive sentence, and as such delivered over to the secular court. But upon this condition, that if within fifteen days, each five of which were assigned him as so many terms, he would confess his crimes, and with a pure heart and faith unfeigned return to the ecclesiastical unity, abjure all heresy, and swear simply to obey the commands of the church and inquisitors, he should be absolved from excommunication, and condemned to perpetual imprisonment.

If there be very strong evidence against the criminal, if new proofs arise, if the crime objected to him be very heinous, and the discoveries against him undoubted, if he was not sufficiently tortured before, he may be tortured again, but then only “when his mind and body are able to endure it.”<sup>a</sup>

We read in the first Seville instruction.<sup>b</sup> “That he who afterwards retracts the confession extorted from him by torture, must solemnly abjure those errors of which he was defamed, and suffer some pecuniary penalty at the pleasure of his judges, upon account of the infamy and suspicion yet remaining against him.”<sup>c</sup> But for all this the inquisitors oftentimes order the question in this case to be repeated.

Skilful judges usually enter a protest in the acts of the pro-

<sup>a</sup> Simanc. t. 65. sect. 75.

<sup>b</sup> Cap. 15.

<sup>c</sup> Simanc. sect. 80.

cess, that they intend to carry on the torture some other day, that they may be able to repeat it. But Royas says,<sup>a</sup> some criminals are so crafty, that he hath often actually seen them immediately confess their fault when put to the torture, and after twenty-four hours retract their confession when they should confirm it, and when tortured again confess again, and retract again, and repeat the same as often as they are tortured. In which case, to prevent the process from being never finished, he thinks they are to be punished with a very grievous arbitrary penalty, because of so many variations, which occasion proofs and bad presumptions. For, by the same reason any one may be tortured again, he may be punished in an extraordinary manner.

If he doth not persist in his first confession, and is not sufficiently tortured, he may be put to the torture again, not by way of repetition, but continuation of it; but they do not agree how often it may be repeated, when the confession extorted by it is retracted. Some affirm it may be repeated once only, others that it may be often. Eymeric's opinion is, that a person sufficiently tortured ought to be dismissed freely, if he retracts what he confessed by torture. But Simancas says,<sup>b</sup> that a criminal must not be condemned for a confession drawn out by torture, unless he afterwards perseveres in it. It is the same in law, if it be extorted by fear, or dread of impending torments. The confession is then said to be extorted through fear of torments, when the criminal is carried to the place in which the torture is inflicted, and there stripped of his clothes, or bound, or so terrified by the judge, as that he hath great reason to believe the torture will be inflicted. For it is not enough if the judge frightens him but slightly in any other place, unless it be such a fear as may affect a person of resolution. Hence the Light of the Inquisitors says,<sup>c</sup> "Although the judge says to the criminal, when he is out of the place of torture, either confess, or I will order you to the torture, frightening him by this means as much as he can, upon hearing of which he makes his confession, in such a case the

<sup>a</sup> Part. 2. Assert. 31. sect. 300.

<sup>b</sup> t. 65 sect. 67, 68, 69.

<sup>c</sup> In voce Tortura. sect. 44.



confession is not said to be made through fear of torments, because the terror itself is but slight."

But if he persists in his confession, owns his fault, and asks pardon of the church, he is condemned as guilty of heresy by his own confession, but as penitent. But if he obstinately persists in heresy, he is condemned, and delivered over to the secular arm to be punished with death. If the accused person is found to have fallen into heresy, or there is otherwise evidence proved against them, upon account of which he is obliged to abjure, as lightly or vehemently suspected of heresy, he must not be tortured on this account; but if besides this he denies some things not sufficiently proved, and there be proofs sufficient to put him to the question, and he accordingly is tortured, but confesses nothing, he is not to be absolved, but is to be proceeded against according to the things proved, and must be commanded to abjure either as suspected, or found guilty, as the merits of the process require. Or if he confesses any thing by torture, he must be forced also to abjure it.



## CHAP. XXX.

*How the PROCESS is ended against a person suspected of heresy, as also against one both suspected and defamed.*

WHEN a person accused of heresy is found to be only slightly suspected of it, he is considered either as suspected publicly or privately.<sup>a</sup> If he is publicly suspected, this was formerly the manner of his abjuration. On the preceding Lord's Day the inquisitor proclaims, that on such a day he will make a sermon concerning the faith, commanding all to be present at it. When the day comes, the person to abjure is brought to the church, in which the council hath determined he shall make his abjuration. There he is placed upon a scaffold, erected near the altar, in the midst of the people, and is

<sup>a</sup> Direct. p. 3. n. 161, 162. com. 40.

not allowed to sit, but stands on it that all may see him, bare-headed, and with the keepers standing round him. The sermon being made on the mass, to the people and clergy there present, the inquisitor says publicly, that the person there placed on the scaffold is suspected, from such and such appearances and actions, of the heresy that hath been refuted in the public sermon, and that therefore it is fit that he should purge himself from it, by abjuring it as one slightly suspected. Having said this, a book of the gospels is placed before him, on which laying his hands he abjures his heresy. In this oath he not only swears that he holds that faith which the Roman church believes, but also that he abjures every heresy that extols itself against the holy Roman and apostolic church, and particularly the heresy of which he was slightly suspected, naming that heresy: and that if he shall do any of the aforesaid things for the future, he willingly submits to the penalties appointed by law to one who thus abjures, and is ready to undergo every penance, as well for the things he hath said and done, as for those concerning which he is deservedly suspected of heresy, which they shall lay on him, and that with all his power he will endeavour to fulfil it. After this abjuration the inquisitor says to him, “son, thou hast purged away by this abjuration, the suspicion, which, not without cause, we entertained of you. Henceforth take heed to yourself, that you do not fall into this abjured heresy; for although if you repent, you would not be delivered over to the secular arm, because you have abjured as one slightly suspected only, and not vehemently, yet you would be much more severely punished than if you had not abjured, and instead of being slightly suspected, would become vehemently so, and made to abjure as such. And if you should fall again, you would suffer the punishment due to relapsed persons, and be delivered over without mercy to the secular court, to be punished with death.”

If he is vehemently suspected, he is placed in like manner upon a scaffold,<sup>a</sup> and after he hath taken his oath upon the gospels, his abjuration is delivered him in writing to read before

<sup>a</sup> Direct. p. 3. n. 166, and seq. com. 41.

all the people. Then the bishop admonishes him and enjoins him penance, and commands him to observe it, adding this threatening, that otherwise he will become a relapse, and may, and ought to be judged as an impenitent.<sup>a</sup>

<sup>a</sup> Gonsalvus\* gives us some instances of these punishments. "There was at Seville a certain poor man, who daily maintained himself and his family by the sweat of his brow. A certain parson detained his wife from him by violence, neither the Inquisition nor any other tribunal punishing this heinous injury. As the poor man was one day talking about purgatory with some other persons, of his own circumstances, he happened to say, rather out of rustic simplicity, than any certain design, that he truly had enough of purgatory already, by the rascally parson's violently detaining from him his wife. This speech was reported to the good parson, and gave him an handle to double the poor man's injury, by accusing him to the inquisitors, as having a false opinion concerning purgatory. And this the holy tribunal thought more worthy of punishment than the parson's wickedness. The poor wretch was taken up for this trifling speech, kept in the inquisitors jail for two whole years, and at length being brought in procession, was condemned to wear the Sambenito for three years in a private jail; and when they were expired, to be dismissed, or kept longer in prison, as the lords inquisitors should think fit. Neither did they spare the poor creature any thing of his little substance, though they did his wife to the parson, but adjudged all the remains of what he had, after his long imprisonment to the exchequer of the Inquisition.

"In the same procession there was also brought forth a reputable citizen of Seville, as being suspected of Lutheranism,† without his cloak and his hat, and carrying a wax taper in his hand, after having exhausted his purse of 100 ducats towards the expences of the holy tribunal, and a year's imprisonment in the jail of the Inquisition, and having abjured as one vehemently suspected, only because he was found to have said, that those immoderate expences, and on these accounts the Spaniards are prodigiously extravagant, which were laid out in erecting those large paper or linen buildings, which the common people corruptly call monuments, to the honour of Christ now in heaven upon Holy Thursday, and also those which were expended on the festival of Corpus Christi, would be more acceptable to God, if they were laid out upon poor persons, or in placing out to good persons poor orphan girls. Two young students added to the number in that procession. One because he had written in his pocket-book some verses made by a nameless author, so artificially, as that the same words might be interpreted so as to contain the highest commendation of or reflection upon Luther. Upon this account only, after two years imprisonment, he was brought forth in procession, without his hat and cloak, carrying a wax taper, after which he was banished for three years from the whole country of Seville, made to abjure as lightly suspected, and

\* P. 192.

† Ibid. p. 195.

If he is violently suspected, although it may be that he is no heretic, yet by the construction of the law he is accounted one, and judged as such.

If he is found suspected of heresy, and also defamed, he is condemned first to purge himself by his compurgators, and after he hath thus purged himself as a defamed person, he must abjure as one suspected of heresy, whether it be lightly, vehemently, or violently, according to the manner in which such persons are dealt with, and he is enjoined penance, heavier or lighter, according as his suspicion is greater or less. When the sentence is pronounced, and committed to execution, it may be dispensed with, mitigated, or commuted, as the affair, or the amendment and humility of the penitent deserves it.

What the matter is of proceeding at this day in the Inquisition general at Rome, against persons suspected of heresy, we have a most clear instance, in the sentence pronounced against Galileus Galilei, the celebrated astronomer, because he taught, that the sun stood still in the midst of the universe, and that the earth moved round it as about its proper center. From which it appears, that opinions purely astronomical, and that have nothing to do with religion, and which can neither be of any advantage or disservice to piety, which soever side of the question is defended, are a sufficient argument to the Roman inquisitors, to render any one vehemently suspected of heresy, after the prelates of that church have once determined on one side, and to enjoin him a solemn abjuration, which itself is a very grievous punishment in the Inquisition.

After all his laborious study, this philosopher was compelled by the Inquisitorial powers, to invalidate the result of his researches in the following words: .

#### THE ABJURATION OF GALILEUS.

“ I Galileus, son of the late Vincentius Galileus, a Floren-  
punished with a fine. The other underwent the same censure, only for transcribing the verses for their artful composition, excepting only that he commuted his banishment for 100 ducats towards the expences of the holy tribunal.”



tine, aged seventy, being here personally upon my trial, and on my knees before you, the most eminent and reverend the lords cardinals, inquisitors general of the universal Christian common-wealth, against heretical pravity, having before my eyes the most holy gospels, which I touch with my proper hands, do swear that I always have believed, and do now believe, and by the help of God, hereafter will believe all that, which the holy Catholic and apostolic Roman church doth hold, preach and teach. But because, after I had been juridically enjoined and commanded by this holy office, that I should wholly forsake that false opinion, which holds, that the sun is the centre, and immoveable, and that I should not hold, defend, nor by any manner, neither by word or writing, teach the aforesaid false doctrine, and after it was notified to me that the aforesaid doctrine was contrary to the holy scripture, I have written and printed a book, in which I treat of the said doctrine already condemned, and produce reasons of great force in favour of it, without giving any answer to them, I am therefore judged by the holy office as vehemently suspected of heresy, viz. that I have held and believed that the sun is the centre of the world, and immoveable, and that the earth is not the centre, but moves.

“ Being therefore willing to remove from the minds of your eminences, and of every Catholic Christian, this vehement suspicion legally conceived against me, I do with a sincere heart and faith unfeigned, abjure, curse and detest the above-said errors and heresies, and in general every other error and sect contrary to the aforesaid holy church; and I swear, that for the future, I will never more say or assert, either by word or writing, any thing to give occasion for the like suspicion; but that if I shall know any heretic, or person suspected of heresy, I will inform against him to this holy office, or to the inquisitor or ordinary of the place in which I shall be. More over, I swear and promise, that I will fulfill and wholly observe all the penances which are, or shall be enjoined me by this holy office. But if, what God forbid, it shall happen that I should act contrary by any words of mine, to my promises, protestations and oaths, I do subject myself to all the penalties and

punishments which have been ordained and published against such offenders, by the sacred canons and other constitutions general and particular. So help me God and his holy gospels, which I touch with my own proper hands.

“ I the abovesaid Galileus Galilei have abjured, sworn, promised and obliged myself as above, and in testimony of these things have subscribed with my own proper hand this present writing of my abjuration, and have repeated it word for word at Rome, in the convent of Minerva.<sup>a</sup>

“ I Galileus Galilei, have abjured as above, with my own proper hand.”



## CHAP. XXXI.

*How the PROCESS against an heretic confessed, and penitent, ends, and first of ABJURATION.*

IF any heretic is informed against,<sup>b</sup> and upon oath confesses his heresy judicially before the bishop or inquisitor, but professes, that upon information of the bishop or inquisitor he will depart from it, return to the bosom of the church, and abjure that and every other heresy, he is not delivered to the secular arm, but differently punished according to the heinousness of the crime. For in the first place all such persons are compelled publicly to abjure their heresy in the church before all the people; but they are not permitted to excuse themselves, or in any manner to testify their innocence, lest the people should be offended by thinking them unjustly condemned. Before the person who is to abjure, there is placed the book of the gospels, and then he puts off his hat, falls on his knees, and putting his hand on the book, reads, if he knows how to read, his abjuration; if he cannot read, the notary or some religious person or clergyman reads for him, and making a pause, the person abjur-

<sup>a</sup> 22nd Day of July, A. D. 1633.

<sup>b</sup> Direct. p. 3. n. 188, com. 44.

ing repeats what is read; then the notary goes on, and the abjurer always repeats his words, with a loud voice, so as to be heard by all, till the whole abjuration is read over even to the end.<sup>a</sup>

This abjuration is enjoined all who return from heresy,<sup>b</sup> and even all suspected upon any account of heresy; nor is any one, though otherwise privileged, and of great dignity, excepted. Even boys of fourteen, and girls of twelve years old, are compelled to it, according to the decree of the council of Tholouse.<sup>c</sup>

When the abjuration is made, because every heretic is excommunicated, they are absolved from excommunication upon this condition, viz. if they return to the unity of the Catholic faith with a true heart and faith unfeigned, and observe the commands enjoined them; which is expressly added, that if they should not observe them, it may appear that they were not absolved.

And in this manner all persons are forced to abjure, which the church of Rome pronounces heretics, unless they are willing to be delivered over as impenitent heretics to the secular arm or court, but especially doctors, whom they call dogmatists, dogmatisers, and arch-heretics. Bzovius, under the year 1479,<sup>d</sup> gives us a famous instance which happened in Spain. Peter de Osma, who read theological lectures at Salamanca, had pub-

<sup>a</sup> Formerly, before persons violently suspected of heresy abjured, the bishop or inquisitor used thus to address to him. "My son, we violently suspect you of heresy, upon account of those things it is declared you have committed, upon account of which you are by law to be condemned as an heretic. Therefore consider and attend to what I say to you. If you will so depart from the said heresy or heresies, as to be willing now here publicly to abjure them, and patiently to undergo the penance we enjoin you, the church and we, as the vicars of Christ, will receive you to mercy. But we will enjoin you a penance, which you may well bear, and absolve you from the sentence of excommunication, which you were under, that you may be saved, and have glory in the future world. But if you will not abjure, nor submit to penance, we will immediately deliver you to the secular arm, and so you will destroy together both body and soul. Which therefore will you chuse, to abjure and be saved, or to refuse to abjure and to be damned.

<sup>b</sup> Direct. p. 3. com. 40.

<sup>c</sup> A. D. 1229. cap. 11.

<sup>d</sup> Sect 9.

lished a book, in which were several things contained contrary to the doctrines of the church of Rome. The arch-bishop of Toledo, then at Alcala de Henarez, where he generally resided, did, by command of Pope Sixtus, after having consulted the most learned men, and well considered the matter for a long while, condemn his opinions, and put the author himself under the infamy of an Anathema, unless he changed his sentiments. The sentence was pronounced June 23. Pope Sixtus confirmed the sentence of the arch-bishop by a bull, and commanded him, that he should not omit to proceed against the followers of Peter de Osma, as heretics, if they should refuse or wickedly defer to abjure this heresy they are fallen into, or to imitate the said Peter abjuring his errors and repenting, as they had imitated him in his error.

## CHAP. XXXII.

*Of the Punishment and wholesome Penances enjoined such as abjure.*

SUCH who abjure, and after abjuration are reconciled to the church, are enjoined various punishments, and, as they call them, wholesome penances. They are imposed by the inquisitors at pleasure.<sup>a</sup> And thus the council of Narbonne hath decreed,<sup>b</sup> “ This indeed we so enjoin, not that you should impose every where, or upon all alike, all the fore-mentioned penances, but that ye may, according to the discretion given you of the Lord, so cautiously and providently dispense them, according to the nature of the crimes and persons, places and times, and other circumstances, that whether by punishing or pardoning, the life of offenders may be amended, or at least that it may appear who walks in darkness, who in the light; who is truly penitent, who feignedly converted; and that no scandal may arise from hence to true Catholics, and that heresy may

<sup>a</sup> Extra. de hæret. c. Ab abolendam. sect. Præsenti.

<sup>b</sup> Cap. 5.



not be defended or nourished through pretence of scandal, or any other whatsoever." But, as Carena advises,<sup>a</sup> in this imposition of punishment the inquisitors must be careful "always to use clemency and mercy, not cruelty and severity." But he adds, "This must be understood with a grain of salt, viz. that this clemency must not be shewn to an impenitent heretic; for after the inquisitors have used all their endeavours for his conversion, they must by no means mitigate the punishments of death, infamy, and others threatened against him by law. For as to this, whilst he remains impenitent, take notice, the only instance of true piety is to be cruel." They have also power of commuting and mitigating them; because this imposing of penance is not a definitive sentence, but rather an injunction, and command or precept of purgation. It is otherwise, when the inquisitor hath condemned any one as an heretic, and imposes penance on him as such, because that is a punishment determined by the law, and which therefore doth not depend on the pleasure of the inquisitor, and because by such condemnation he hath pronounced a definitive sentence, and so ceases to be a judge.<sup>b</sup> And these penances in general are laid upon any persons.

Sometimes the penitent is enjoined to make a pilgrimage, with a black habit, which he must carry with the inquisitor's letters, to that place which he is to visit in his pilgrimage; and he is farther required to bring back letters testimonial of the predicant friars, or others who dwell there, in witness of the truth.

Secondly, some penances are honorary, attended with infamy to those who do them. Such are, walking in procession without shoes, in their breeches and shirt, and to receive herein public discipline by the bishop or priest, to be expelled the church, and to stand before the gates of the great church upon solemn days, in the time of mass, with naked feet, and wearing upon their cloak an halter about their neck. At this time they only stand before the gates of the church, with a lighted candle in their hand, during the time of solemn mass, on some holy day, as the bell is ringing to church.

<sup>a</sup> P. 3. t. 19. sect. 13.

<sup>b</sup> Zanchin. de hæret. cap. 21.

Besides these, they now use the punishment of banishment, and criminals are banished not only into such places as are subject to the jurisdiction of the inquisitor, because all places are subject to the same chief pontiff, by whom all the inquisitors are delegated. To this may be added, the punishment of being thrust into a monastery, which, though now seldom inflicted, was much more in use formerly. Bzovius gives us an instance of it in the year 1479.<sup>a</sup> “This year was condemned at Mayence, John Rucard, of the Upper Wesel, D. D. and compelled by the inquisitor to recant certain articles which he was reported publicly to have preached at Worms. All his writings were before his face thrown into the fire and burnt, and he himself sent to do penance to the convent of Austin Friars in that place, where he died in a little while of grief.” Bzovius also relates the articles against him, most of which were against the papal authority. The first of them deserves to be mentioned:—“That the prelates of the church have no authority to ordain or add any thing to what Christ and his apostles have ordained: yea, that neither apostles nor the popes have received such power from Christ.”

There is also another punishment of beating or whipping, when criminals are condemned to be whipped with scourges or rods. If they are religious persons, they are whipped in their own monastery by other religious, in the presence of the notary of the holy office. This punishment, Paramus being witness,<sup>b</sup> Laurentius Valla suffered, who being condemned for heresy at Naples, was preserved from the fire by the king's favour, but upon this condition, that after he had publicly recanted and damned the things he had uttered, he should atone for his crimes by whipping. And accordingly, in the convent of the predicants, being led round the cloisters with his hands tied, he was whipped upon his shoulders and back, by the religious of the house.

But the most usual punishment of all is, their wearing crosses upon their penitential garments, which was not only formerly in use, but is now frequently enjoined penitents in Spain and

<sup>a</sup> Sect. 8.<sup>b</sup> L. 2. t. 3. c. 4. n. 31.

Portugal. And this is far from being a small punishment.— Because such persons are exposed to the scoffs and insults of all, which they are obliged to swallow, though the most cruel in themselves, and offered by the vilest of mankind, for by these crosses they are marked to all persons for heresy, or as it is now in Spain and Portugal, for Judaism. And being thus marked, they are avoided by all, and are almost excluded from all human society. We have an instance of this in the book of sentences of the Tholouse inquisition,<sup>a</sup> in one Arnald Ysarni, of Villemaur, who had thrown off his crosses, and being afterwards again apprehended, gave this reason for doing it before the inquisitor: “ Because by wearing his crosses, he could find no persons and place, where he could get his living, and that therefore he stood for ten years without them at the Moyssac, and got his livelihood by going and coming with the ships to Bourdeaux.

These crosses are put on those who have believed heresies, and sometimes on those who have been dogmatisers, but who immediately, upon their being found out and informed against before the bishops and inquisitors, depart from their errors, and consent to abjure them. Such are more gently dealt with, and it is easier to have a dispensation as to their penance. For either they are to wear their crosses only for a time, or if they are enjoined them for their whole life, after they have worn them for some years, in another sermon or act of faith, they leave them off again, or if they are in an ill state of health, or if the penitent be remarkably humble, and truly converted.— But such a dispensation is the more difficult to be obtained, because the publicly wearing these crosses may make great satisfaction in behalf of those who carry them, yea, it may be greatly meritorious in them, because of the great degree of shame which such persons endure, and may be, and is a considerable warning to others.

He who throws off, or conceals this garment, is to be punished as an impenitent.<sup>b</sup> Nor can the inquisitors themselves, now in Spain, moderate the time which they have fixed for the wearing

<sup>a</sup> Fol. 177.

<sup>b</sup> Simanc. t. 47. sect. 11, 12.



it; both because their office is discharged after they have pronounced from the tribunal, and because this matter is reserved to the inquisitor general and council.<sup>a</sup>

This habit of the penitents,<sup>b</sup> and sackcloth of condemned heretics, is to be hung up in the church of that parish where they dwelt, that these sort of ensigns may be a monument to keep up the everlasting remembrance of their impiety; for the names of the heretics, and the reasons of their condemnation, are to be inscribed and renewed on them;<sup>c</sup> viz. after the example of Moses, “who made broad plates for a covering of the altar, of the censers of the two hundred and fifty men who had offered incense to the Lord, that they might be a memorial and a sign to the children of Israel.”<sup>d</sup> If any one steals these ensigns,<sup>e</sup> it is the common opinion, that he is to be punished at the pleasure of the judges,<sup>f</sup> not as a thief or sacrilegious person, but as a contemner of religion and the judges, and must therefore be whipped, or fined, or banished.

Finally, the most grievous punishment is the being condemned to perpetual imprisonment, there to do wholesome penance with the bread of grief, and the water of affliction. This

<sup>a</sup> 4 Instruct. cap. 9.

<sup>b</sup> Simanc. t. 47. sect. 13.

<sup>c</sup> Madrid. Instruct. A. D. 1561. cap. 81.

<sup>d</sup> Numb. xvi. 39, 40.

<sup>e</sup> Simanc. t. 47. sect. 14.

<sup>f</sup> “Souza relates the case of a man, whom the inquisition ordered to be burnt, for being accused of stealing a sacred vase from a church. No other proof was alleged against this unhappy victim, than that he was seen to pass near the church, at the time of the night when the theft was supposed to have been committed. He solemnly protested, however, in his last moments, that he died innocent, and a believer in the creed of the Catholic faith. On this case of horror being made known at Rome, it was even there considered highly improper, that the inquisition of Lisbon should have burnt the man alive in such a case, and particularly under the circumstance of his declaring at the very period when the approaching tortures of his death were most likely to excite despair, that he wished to live and die in the Catholic faith. Some years after a criminal being condemned to be hung at Gillicia, in Spain, for murder, he made a solemn declaration at the gallows, that he was the individual who committed the theft of the sacred vase, in Lisbon, of which the other, who had been burnt alive, was wholly innocent.”—Souza *Europa Portuguesa* App. to reign of King Emanuel, in *Da Costa's Narrative*, vol. 1. 124.



is usually enjoined on the believers of heretics, and such as are with difficulty brought to repentance, or who have a long while denied the truth during the trial, or have perjured themselves. For because such persons do not seem to be voluntarily and willingly converted, they will not allow them their liberty, lest being feignedly converted, as may be easily presumed, they should corrupt others.

The inquisitors have, however, the power of remitting the sentence of immuration, or perpetual imprisonment, except in Spain, where the inquisitor general only can remit their punishment; in which they are to be guided by the humility and penitence of the prisoner. This is commonly done at the end of three years, unless it is declared in the sentence, that it is never to be remitted; in which case it may be remitted at the end of eight years. These remissions must be granted with the advice of the diocesan, and may also be obtained with money.

Besides this condemnation to perpetual imprisonment, such persons are also enjoined other penances, viz. sometimes to stand in the habit marked with the cross, at the door of such a church, such a time and so long, viz. on the four principal festivals of the glorious virgin Mary of such a church, or on such and such festivals, at the gates of such and such churches. Concerning this there is a decree extant of the council of Biterre,<sup>a</sup> where, after commanding that penitents should be present at divine service on Sundays and festivals, this is added, “That on the mass of every Sunday and festival, between the epistle and the gospel, they shall publicly present themselves with rods in their hands, stripped of their outward garment, and with their veil or hat off, to the priest celebrating mass in the presence of the people, and there, after having received discipline, the priest shall declare, that they suffer this discipline for heretical pravity.” Sometimes, before they are shut up in prison, they are publicly exposed, viz. being clothed with the habit of the crosses, they are placed upon an high ladder in the gate of some church, that they may be plainly seen by all,

where they must stand till dinner time, after which they must be carried, cloathed in the same habit, to the same place, at the first ringing to vespers, and there stand till sun set; and these spectacles are usually repeated on several Sundays and festivals in several churches, which are particularly specified in their sentence.

They are now also condemned to the punishment of the gallies,<sup>a</sup> because the ancient practice of immuration is at this time seldom used. Others, who will not depart from their errors, are ordinarily condemned to perpetual and strict imprisonment, and to iron fetters and chains, where they are daily allowed the bread of grief for meat, and the water of affliction for their drink.

The inquisitors may also increase these penances, if the converted persons want devotion, or are malicious and quarrelsome, because these things shew that their mind and soul is far from being obedient to the law of God, or the commands enjoined them.



## CHAP. XXXIII.

*When and how far any one is to be admitted to PENANCE.*

IT is a very important and difficult question amongst the popish doctors, and very intricate, at what time, and how penitent heretics are to be admitted. Simancas uses many distinctions in the solution of this question.<sup>b</sup> For either he is a concealed heretic, discovered by no one, and accuses himself to the inquisitors, and plainly confesses his errors. Such a one, without doubt, is to be received, and ought not to be enjoined public penance, but is to be secretly absolved. Or he hath been publicly an apostate or heretic in another kingdom,<sup>c</sup> and before any one gave evidence against him, he voluntarily returns to a sound mind, and asks pardon and absolution from

<sup>a</sup> Pegna, p. 528.

<sup>b</sup> tit. 47, sect. 27.

<sup>c</sup> Sect. 28.

the inquisitors. Such a one also is to be admitted, but he must publicly abjure his errors, and do wholesome penance. But he must not suffer the punishment of imprisonment, nor wear the habit of penitents.<sup>a</sup>

“ Or he comes to the inquisitors through fear of impending proofs,<sup>b</sup> and discovers his confederates in wickedness, and fully confesses his errors; and such a one also, though witnesses come in against him, is to be reconciled to the church, but is more gently to be dealt with; for he must not be condemned to perpetual jail, nor wear, for any considerable time, the penitential habit. Or he is already apprehended,<sup>c</sup> and thrown into prison, and then confesses his heresies, and then his confession is said to be voluntary. He also, who upon admonition, confesses his heresies,<sup>d</sup> before the evidence of the witnesses is shewn him, is to be kindly received, and not condemned to perpetual jail, because he confesses before he is convicted by witnesses.<sup>e</sup> Or he confesses after the accusation is published,<sup>f</sup> and is then to be admitted, but punished more severely; because he would not confess before he was informed, and made fully to understand by the accusation, of what heresies he was accused. Or he confesses after being convicted by the witnesses,<sup>g</sup> i. e. after the publication of the evidence. For although such a one doth not seem to return voluntarily, who is scarce persuaded at length to confess his errors, and beg pardon, after being tired out with the dismal jail, after several admonitions, after accusation, the publication of the evidence, six hundred perjuries, and several months, yet, inasmuch as being in prison,<sup>h</sup> he confesses of his own mind and will his errors, without being compelled by violence, he is adjudged to confess voluntarily. Farther,<sup>i</sup> they think that he also confesses voluntarily, whose confession is violently, i. e. by torture, drawn from him. For although the first confession is drawn from him by torment, yet is it not sufficient to the proof or condemnation, unless he afterwards confirms it by a voluntary confession. And

<sup>a</sup> 1 Instruct. cap. 8.

<sup>b</sup> Simanc. tit. 47. sect. 29.

<sup>c</sup> Ibid. sect. 30.

<sup>d</sup> Ibid. sect. 31.

<sup>e</sup> 1 Instruct. cap. 11.

<sup>f</sup> Simanc. sect. 32.

<sup>g</sup> Ibid. sect. 33.

<sup>h</sup> Ibid. sect. 44.

<sup>i</sup> Ibid. sects. 45, 46.

therefore, when the criminal ratifies of his own accord the extorted confession, they say he is not to be looked upon as acting herein unwillingly, nor his confirmation as extorted by force, but that it is altogether voluntary, and that therefore if the confession be just that such a one is to be admitted: and it is then accounted just, when the penitent testifies it with tears, groans, and humility.

“ It is also farther inquired,<sup>a</sup> whether a person is to be received to the bosom of the church after the definitive sentence, even till he is delivered to the secular court. Here the laws determine that penitents may be admitted till the definitive sentence, but that afterwards there is no place for pardon and mercy.”

Notwithstanding, after sentence pronounced, there is no farther place for pardon: yet there is one instance of Stephana de Proaudo, extant, in the book of the sentences of the Tholouse inquisition, who, being judged an heretic the day before, and left as an heretic to the secular court (from whence it appears that it was not then usual for those who were left to the secular court to be burnt the same day, on which the sentence is pronounced, as is now practised in Spain and Portugal) seeing on the following day, viz. Monday, that the fire in which she was to be burnt was made ready, said, on that very day that she was willing to be converted to the Catholic faith, and to return to the ecclesiastical unity. And when it was doubted whether she had spoke this feignedly or sincerely, or through fear of death, and was answered, that the time of mercy was elapsed, and that she should think of the salvation of her soul, and fully discover whatsoever she knew of herself or others concerning the fact of heresy, which she promised to say and do, and that she would die in the faith of the holy church of Rome; upon this the inquisitor and vicars of the bishop of Tholouse, called a council on the following Tuesday, and at length it was concluded, that on the following Sunday she should confess the faith of the church of Rome, recant her errors, and be carried back to prison, where it would be proved

<sup>a</sup> Simanc. sect. 46.



whether her conversion was real or pretended; and so strictly kept, that she might not be able to infect others with her errors. Eymeric also gives us an instance at Barcelona in Catalonia,<sup>a</sup> of three heretics impenitent, but not relapsed, who were delivered over to the secular arm. And when one of them, who was a priest, was put in the fire, and one of his sides somewhat burnt, he cried to be taken out of it, because he would abjure and repent. And he was taken out accordingly. But he was afterwards found always to have continued in his heresy, and to have infected many, and would not be converted, and was therefore turned over again as impenitent and relapsed, to the secular arm, and burnt.

The author of the History of the Inquisition at Goa,<sup>b</sup> gives us another instance of a very rich new Christian, whose name was Lewis Pezoa, who, with his whole family, had been accused of secret Judaism, by some of his enemies, and who, with his wife, two sons and one daughter, and some other relations that lived with him, were all thrown into the jail of the inquisition. He denied the crime of which he was accused, and well refuted it, and demanded that the witnesses who had deposed against him, might be discovered to him, that he might convict them of falsehood. But he could obtain nothing, and was condemned as a negative, to be delivered over to the arm of the secular court; which sentence was made known to him fifteen days before it was pronounced. The Duke of Cadaval, an intimate friend of the Duke d'Aveira, inquisitor general, had made strict enquiry how his affair was like to turn. And understanding by the inquisitor general, that unless he confessed before his going out of prison, he could not escape the fire, because he had been legally convicted, he continued to intreat the inquisitor general, till he had obtained a promise from him, that if he could persuade Pezoa to confess, even after sentence pronounced, and his procession in the act of faith, he should not die, though it was contrary to the laws and custom of an act of faith. Upon that solemn day therefore, on which the act of faith was to be held, he went with

<sup>a</sup> Eymeric, n. 204.

<sup>b</sup> Cap. 38.

some of his own friends, and some that were Pezoa's, to the gate of the inquisition, to prevail with him, if possible, to confess. He came out in the procession, wearing the infamous Samarra, and on his head the Carocha, or infamous Mitre. His friends, with many tears, besought him in the name of the Duke de Cadaval, and by all that was dear to him, that he would preserve his life, and intimated to him, that if he would confess and repent, the said duke had obtained his life from the inquisitor general, and would give him more than he had lost. But all in vain, Pezoa continually protesting himself innocent, and that the crime itself was falsely invented by his enemies who sought his destruction. When the procession was ended, and the act of faith almost finished, the sentences of those who were condemned to certain penances having been read, and on the approach of evening, the sentences of those who were to be delivered over to the secular court being begun to be read, his friends repeated their intreaties, by which at last they overcame his constancy, so that desiring an audience, and rising up, that he might be heard, he said, "Come then, let us go and confess the crimes I am falsely accused of; and thereby gratify the desires of my friends." And having confessed his crime he was remanded to jail. Two years after he was sent to Evora, and in the act of faith walked in procession wearing the Samarra, on which was painted the fire inverted, according to the usual custom of the Portuguese inquisition; and after five years more that he was detained in the jail of the inquisition, he was condemned to the galleys for five years.



#### CHAP. XXXIV.

*How the PROCESS ends against a relapsed PENITENT.*

IF the accused person is found a relapse by his own confession, but penitent,<sup>a</sup> professing that he believes in a Catholic

<sup>a</sup> Direct. p. 3. n. 197. com. 45.

manner, and is willing to return to the unity of the church, the bishop and inquisitor send to him two or three good men, and especially religious, or clergymen, zealous for the faith, neither suspected by, nor ungrateful to him, who, upon some convenient hour go to him, and after discoursing with him in the first place concerning the contempt of the world, the miseries of this present life, and the joys and glories of paradise, do afterwards, in the name of the bishop and inquisitor, discover to him, that inasmuch as he is relapsed, he cannot escape temporal death; and that therefore he ought to be careful of the salvation of his soul, and prepare himself for the confession of his sins, and the reception of the sacrament of the eucharist. And these admonitions they repeat till he hath confessed his sins, and humbly desires that the sacrament of the eucharist may be given him, because the ecclesiastical sacraments are not to be denied to a relapsed penitent, if he humbly desires them.<sup>a</sup> After having received these sacraments, and by this means being, in their opinion, rightly prepared for salvation, the bishop and inquisitor order the ballive of the place, or the chief magistrate of the secular court, to be ready with his attendants such a day or hour, in such a street or place, to receive from their court such a relapse, which they will deliver to him; and that on the same day, or the day before he shall make proclamation by the crier throughout the city, in all the usual places and streets, that on such a day, hour, and place, the inquisitor will make a sermon for the faith, and that he and the bishop will then condemn a certain relapse, by delivering him over to the secular court.

If the person to be delivered over to the secular court is in holy orders,<sup>b</sup> a priest, or of any other degree, he is, before he is turned over, stripped of the prerogative of the whole ecclesiastical order, or, as they call it, degraded, that being deprived of every dignity that might exempt him from the secular power, he may be delivered over to it.

This degradation is twofold, one verbal, the other actual. The verbal is, when the bishop pronounces sentence against a

<sup>a</sup> Cap. Super eo de hæret. lib. 6.

<sup>b</sup> Direct. n. 198.



clergyman, by which he deprives him of all clerical orders, or rather of the ministry or execution of those orders, which is more properly deposition. The actual is, when the clergyman is not only deprived by sentence, but also deprived actually and personally, stripped and despoiled of his ecclesiastical orders; and this takes place in the crime of heresy, when the person is to be delivered over to the secular court. But if he is only to be perpetually imprisoned, they only make use of verbal degradation.

After the degradation is performed, sentence is pronounced against him as a relapse, and he as such, although penitent, is cast out of the ecclesiastical court, and delivered to the secular arm. But they generally add this clause to such sentences, by which a relapse, or impenitent heretic, or any other, is delivered to the secular arm. “Nevertheless, we effectually beseech the said secular arm, that he will moderate his sentence concerning you, so as to prevent the effusion of blood, and danger of death;<sup>a</sup> where, after it is commanded that a clergyman degraded shall be delivered to the secular court, it is added, “For whom, nevertheless, the church ought effectually to intercede, that the sentence may be moderated, so as to prevent danger of death, viz. lest the inquisitors, when they deliver criminals to the secular judges, should seem to consent to the effusion of blood, and thereby become irregular.

When this sentence against a relapse is concluded, the bishop and inquisitor do not shew it to the criminal, lest he should be enraged against them;<sup>b</sup> but they send to him certain good men, especially religious or clergymen, not unacceptable to him, who discover to him the sentence to be pronounced against him, and the death to be inflicted on him, to confirm him in the faith, to exhort him to patience, to accompany him after his sentence, to comfort him, and pray with him, and not to depart from him, till he hath returned his spirit to his Creator. But they must diligently take care, that they do not

<sup>a</sup> According to Cap. Novimus, de verb. sign.

<sup>b</sup> Lib. Catenat. n. 200.



say or do any thing by which the death of the relapsed person may be hastened, viz. by exhorting him when condemned, to offer his head to the executioner, or to go up the ladder, or to say to the hangman so to direct his sword, as to strike off his head at one blow, and not at several, or to say or do, or persuade to any things of like kind, by which his death would be sooner effected, although the same would have happened, although these words or actions had never been; because they contract irregularity by these things. Who would not believe that these men detested with all their soul every effusion of blood, who so effectually intercede for the condemned, and are so extremely careful not to say or do any thing by which their death may be hastened? Here some think, that such penitents relapsed ought to be allowed ecclesiastical burial, as well as all other Catholics. But this is contrary to law and custom, because their bodies are burnt with fire. In this respect, however, they are dealt more favourably with than the obstinate and impenitent, inasmuch as these latter are burnt alive, whereas the others are strangled before they are burnt, which, as Simancas says,<sup>a</sup> is more humane, and leads to repentance.



## CHAP. XXXV.

*How the PROCESS ends against an impenitent HERETIC,  
and impenitent RELAPSE.*

IF the accused person be an impenitent heretic, but not relapsed,<sup>b</sup> he is kept in close imprisonment, and put in chains, that he may not escape and infect others; nor is any one allowed to come to him, or to speak with him, except the keepers, who must be good men, and not suspected concerning the faith, nor easy to be deceived. In the mean while all methods must be used for his conversion, according to the decree of the coun-

<sup>a</sup> Tit. 47. sect. 17.

<sup>b</sup> Direct. p. 3. n. 201. com. 46.

cil of Biterre.<sup>a</sup> “Those who will not be converted, be slow, as you conveniently can, to condemn them, admonishing them, frequently by yourselves and others to confess; and if they are finally obstinate in their wickedness, cause their errors to be publicly declared, in detestation of them, and leave them thus condemned to the secular powers present, or their ballives, according to the apostolic command.” Herewith the Madrid Instruction<sup>b</sup> agrees. “When the criminal is negative, and hath been legally convicted of the crime of heresy of which he was accused, or continues obstinate, it is evident from the law that he ought to be delivered to the secular court. However, in such a case, the inquisitors ought greatly to endeavour his conversion, that at least he may die in the grace of God. And here they must do all they can consistent with piety.” So that the bishop and inquisitor frequently, sometimes both together, sometimes apart, must cause him to be brought before them, to refute his opinions, and persuade him into the faith of the church of Rome. If he doth not submit to their information, ten or twelve persons are sent to him to instruct him, learned men, clergymen of different orders, and secular lawyers, who frequently converse with him, to shew him that his opinion is contrary to the sacred scripture, and the decrees of the church of Rome. If he is not converted, he is not immediately delivered to the secular arm, though he desires it,<sup>c</sup> but is kept in chains

<sup>a</sup> Cap. 17.<sup>b</sup> A. D. 1561. c. 43.

<sup>c</sup> As liberty is sweet on any terms, and even the galleys themselves are a paradise when compared to the dreary cells of the Inquisition, where every kind of rigour is put in practice, which can render life a burden without any interval, or the least alleviation, nothing is more natural than for one confined in such a prison to wish with the utmost anxiety for the next *anto da se*, which though a bitter remedy, is the only one which can afford him any prospect of relief. But even this miserable comfort is denied him. The wretch sits sighing and pining away within his gloomy dungeon, in expectation of the solemn day, when he shall be permitted to behold once more the light of the sun, to breathe fresh air and cheer his eyes, with the sight of his dear friends and relations. The long wished for day at length comes, it passes away and the wretch still remains in the same doleful situation. Still he flatters himself, that his judges though hitherto so inexorable will at last begin to relent, and touched with his unutterable distresses vouchsafe to call him before their awful tribunal, if not to acquit him, at least to acquaint him with the cause

a long while, half a year, or a whole one, in a hard and close jail, that by the misery and distress of his imprisonment, his constancy may be overcome. In the mean while he is frequently admonished, that if he persists he must be burnt, and after this life burn in hell fire for ever. But if he is not moved by this calamity, he is removed into a somewhat more comfortable jail, and used in a little kinder manner. They also make use of promises, that if he will turn, he shall experience the mercy of the judges. If they can neither prevail with him by this means, they suffer his wife and children, especially his little ones, if he hath any, and his other relations, to come to him, to break his resolution and constancy. But if after all these methods used he persists in his opinion, the bishop and inquisitor prepare to deliver him over to the secular court. When therefore the sermon concerning the faith is held, the inquisitor causes his faults and heresies to be read over by the notary, or some other clergyman, and then asks him whether he will depart from his heresy and abjure them? If he consents to abjure, he is admitted; and having made his abjuration, he

of his detention. Another auto comes, and more than a year elapses, before he can obtain a favour, which in secular courts is never refused to the vilest miscreants, that of being heard; and then perhaps at a time when he is least prepared for such an audience, having almost laid aside all hopes, he is ordered to make his appearance at a moment's warning, not to give him the slightest information, but only to press him to acknowledge a crime, every circumstance whereof they conceal from him and which he cannot charge himself with, though they laid before him the names and depositions of his accusers. He answers as he had always done, that he is not conscious of any offence which falls under their lordships cognizance, they repeat the same interrogatories several times over, and he still returns the same answer, upon which they send him back to his cell.

Thus they keep the prisoner in a state of suspense, more dreadful, if possible, than his approaching doom, which he has not the least item of, till the very eve of another auto. When these merciless judges order him to be put on the rack, to extort from his own mouth what cannot be proved by witnesses. Where in the extremity of anguish, when the tender frame is torn as it were in pieces, when it feels at every pore the sharpest pangs of death, and the agonizing soul is just ready to leave its mansion, the ministers of the holy office look on without emotion, and calmly advise the poor forlorn creature to confess his guilt that he may obtain pardon.



was condemned in the times of Eymeric to perpetual imprisonment, because he was believed to abjure rather through fear of death than the love of truth. And if he was a cleric, he was degraded from his orders, by a verbal degradation only, i. e. he was deposed from the function of his ministry.

But if in this condition he will not repent and abjure his opinions, as is commonly the case with such persons, he is condemned as an obstinate heretic, and as such delivered over to the secular court.<sup>a</sup> And whilst the secular court is performing its duty, some good men, and zealous for the faith, may attend him, and persuade him to the Catholic faith, and exhort him as yet to turn from his errors. And it is the opinion of Eymeric, that if even then he will be converted, he may be admitted to repentance. But Pegna judges it more safe, not to receive him by any means, although he promises a thousand times his conversion; both because it is provided for by no law, and because experience shews us that persons thus received, seldom or ever become good.

If an heretic impenitent or relapsed be present, the bishop and inquisitor, in presence of the magistrate of the secular court,<sup>b</sup> declare him impenitent, or relapsed, cast him out from the ecclesiastical court, and leave him to the secular arm, or to the jurisdiction of the secular court. And the secular court, which is in that place, receives him as one left to their court and arm. If he be absent and fugitive, he is by sentence declared impenitent or relapsed, and cast out from the ecclesiastical court, and left to the secular arm; and whenever the secular court can lay hold of him, he is punished as one obnoxious to that court, according to the nature of his crime.<sup>c</sup>

If the accused person be an heretic impenitent and relapsed,<sup>d</sup> all remedies are to be made use of for his conversion, and he is closely and carefully confined, and no one admitted to him. But he cannot escape death. And therefore they exhort him,

<sup>a</sup> Cap. ad abolendam, sect. Præsenti, Extrav. de hæret.

<sup>b</sup> Cap. Excommunicamus, 1, 2. Extrav. de hæret.

<sup>c</sup> Cap. hd abolendam, sect. Præsenti, Extrav. de hæret.

<sup>d</sup> Direct. p. 3. n. 205.



inasmuch as he cannot avoid the punishment of death, to consult at least the salvation of his soul, to confess and receive the sacrament of the eucharist. Behold the amazing charity of these reverend fathers, who when they deliver a penitent criminal to death, are so solicitous about the salvation of his soul! But whether he repents or not, he is delivered to the secular court, with a very earnest intreaty, so to mitigate their sentence concerning him, as to prevent the effusion of blood, and danger of death.



## CHAP. XXXVI.

*How the PROCESS ends against a Negative HERETIC convicted.*

IF the person accused be found in heresy either by the evidence of the fact,<sup>a</sup> or the legal production of witnesses, and yet he doth not confess it, but persists in denying the crime laid to his charge, he is at this day called a convicted negative heretic.<sup>b</sup>

<sup>a</sup> Direct. p. 3. n. 207. com. 48.

<sup>b</sup> Thus the council of Biterre hath thus determined.\* “As to those who are criminals, and contemn to appear within the time of grace, or maliciously suppress the truth, let each of them be cited by name in their turn; and if they will not confess the truth found against them, read over to them the heads of the matters in which they are found criminal, and discover to them the depositions of the witnesses, and granting them competent times, and allowing them the liberty of defending themselves, receive candidly their legal exceptions and replications. And if they fail in their defence, assign them a competent peremptory time for their sentence, and condemn them, unless they will of their own accord confess the crime proved against them. For they are not to be received to mercy whilst they persist in their denial, how much soever they submit themselves to the will of the church.” Thus also the council of Narbonne.† “But if any one is not afraid obstinately to deny his faults, upon account of which he may be judged a believer of heretics, or an heretic, and which is fully proved by witnesses, or other proofs, as

• Cap. 6, 7, 8, 9.

† Cap. 26.

Carena observes,<sup>a</sup> that it sometimes happens, that a negative heretic, given over by the inquisitors to the secular arm, cites and challenges them to the Valley of Jehosaphat, or the Tribunal of God. But if it appears to the judge that he hath proceeded justly in the condemnation of a negative heretic, he ought not to be afraid of his citation. But if the judge should not be certain of the justice of his sentence, but perceived again disturbance in his mind when he pronounced it, then it is his duty more maturely to enquire into all circumstances, that the former sentence may be either revoked or confirmed. In the mean while they say, that if such citation and appellation be made not through hatred and revenge, but with a good design, that his innocence may appear, and his family be preserved from infamy, it is lawful.

Because negatives constantly deny the crime of heresy, and profess that they are, and always were Catholics, and are willing to die in the faith of the Catholic church, they are first strangled before they are burnt. But Souza says,<sup>b</sup> that heretics convict and negative, if after they are delivered to the secular judge, they do not confess before him the Catholic faith, are burnt alive; because, as it appears that they are heretics, so by being silent when they ought to answer, they are looked upon as obstinate. Thus it was actually judged by all the judges of the council of supplication in the city of Lisbon,<sup>c</sup> when, in an act of faith then celebrated, three men, Hebrews by birth, and called new Christians, were delivered over by the inquisitors to the secular court for Judaism, of which they were convicted; who, persisting in the negative, affirmed before the inquisitors that they were Christians. And being brought before the secular judges, and interrogated concerning the faith, would make no answer; upon which they were delivered over to the officers to be burnt alive, and were accordingly burnt alive.

long as he persists in this denial, though otherwise he may pretend conversion, he is, without doubt, to be accounted an heretic. For he is evidently impenitent, who will not confess his sin.

<sup>a</sup> p. 2. t. 1. sect. 10.

<sup>b</sup> l. 3. c. 6. sect. 11.

<sup>c</sup> A. D. 1629, the second Sunday of September, and twelfth day of that month.

## CHAP. XXXVII.

*How the PROCESS ends against a Fugitive HERETIC.*

IF the accused person be a fugitive, or hath fled or escaped from the inquisition, after he is waited for a competent time,<sup>a</sup> he is cited by the bishop or inquisitor<sup>b</sup> in the cathedral church

<sup>a</sup> Direct. p. 3. n. 212. com. 49.

<sup>b</sup> The licentious character so largely applied to the Romish clergy has not been wanting in those deputed to the office of inquisitors. Whilst by the very constitution of their authority they are placed in a great degree above the laws; they possess, in addition to their ecclesiastical revenues, opportunities of amassing enormous wealth from the wreck of those whom they condemn, and besides, such unbounded power as to command any object of desire, or to gratify any purpose of revenge. With such temptations therefore it is no wonder if the inquisitor should become voluptuous, and that possessing the authority he should assume the vices of the oriental monarchs. M. Lavallée, in his "*Histoire des Inquisitions Religieuses*," relates the following circumstance: A gentleman, who was then (1809) residing at Paris, having business in Lisbon some years before the French revolution, and being about to go thither, took with him, from a nobleman at Versailles, a letter to the chief inquisitor at Madrid, through which he passed. On his arrival in that city, being fatigued, and at the same time unwilling to impede his journey, he fulfilled the ceremony of delivering the letter to the inquisitor by the hands of his servant, excusing himself on those grounds from doing himself the honour of a personal attendance. The grand inquisitor, however, came himself to his hotel, and with great politeness prevailed on him to spend the evening at his residence. The gentleman repaired to his appointment, and was lost in astonishment at the splendour of the saloons, furniture, and attendants. After some noblemen who were present had withdrawn, the inquisitor offered his guest a sight of his bed-chamber; this surpassed any thing he had ever seen for sumptuous elegance. The walls were hung with most exquisite paintings, from the heathen mythology; the floor of the finest marble, and so constructed as to admit the growth of orange trees, and a crystal stream, which, imparting a delicious coolness, rolled off through basins of porphyry, in subterranean channels, whilst the bed was adorned with such tasteful drapery, as to give to the whole the air of royalty. As soon as the visitor had inspected with admiration the various embellishments of this splendid retreat, which he was the more surprised to find where he had rather expected to have seen the rigid tokens of inquisitorial devotion, he prepared to withdraw. But the inquisitor prevented him, expressing surprise that he should so soon appear

of that diocese where he hath offended, and in other churches of that place where he lived, and particularly from whence he made his escape, personally to appear on a certain day in such a cathedral church of such a diocese, there to hear, upon a certain hour, his definitive sentence before them, to which they add, whether he appears or not, that they will proceed against him to a definitive sentence, as law and justice require. This citation is fixed upon the gates of the cathedral church. In this citation some delay is granted, viz. of thirty days, and that is peremptory, so that this single one serves for three, in which the criminal is cited to all and singular the proceedings of his trial.

If the criminal doth not appear, his contumacy is complained of in the several terms of the edict, and the fiscal of the inquisition puts in his bill of accusation, after which the process is carried on according to course of law, observing the custom and laws of the holy office. When all this is finished, if the crime really appears, sentence is pronounced against the criminal whenever the process is rightfully and legally determined. If he hath been informed against for heresy, he is declared an obstinate heretic, and as such left to the secular arm. If informed against as one suspected of heresy, and if excommunicated, because he would not appear, and if remaining under the sentence of excommunication for a year, he is not pronounced an heretic, but condemned as though he was one. But if upon the expiration of the year he appears, he is heard as far as relates to the excusing his crime, and testifying his innocence; but not in order to recover his effects, unless he can make his innocence, or some other just

fatigued, then making a signal, a Dominican appeared (his confidential minister) who conducted the traveller into a splendid saloon, lighted by a profusion of wax candles, here a magnificent supper was prepared, to which sat down the grand inquisitor, his visitor, six ladies of great beauty and accomplishments, and some monks, who were peculiar favourites. The evening was spent with the greatest gaiety, whilst music, poetry, singing, and agreeable conversation protracted the stay of the company until sunrise. At length the traveller took his leave, greatly pleased with the courtesy of his highness, and admiring the method of relaxation he had chosen, after the studies and fatigue devolving on him from the holy office.



impediment legally appear. If he is in sacred orders, he is first degraded, by a verbal degradation only, because he cannot be actually degraded, inasmuch as he is absent. But Eymericus thinks, that the person, thus degraded, is not to be left to the secular arm, but that if he will repent, he may freely, and without the question be admitted to mercy and abjuration.

And lest the sentence against fugitives may seem to be pronounced in vain,<sup>a</sup> it is usually published before all the people, and the image, or as they commonly call it, the statue of the absent person is publicly produced, on which there is a superscription fixed, containing the name and surname of the absent obstinate person who is condemned, which statue is delivered to the secular power, on which he executes the sentence and penalty of burning, as he would do upon the absent person himself, if he were present, unless he would turn, or upon a person otherwise relapsed. Thus, as Lewis à Paramo tells us,<sup>b</sup> the statue of Sigismond Malatesta was burnt at the gates of St. Peter; and the statue of Luther, after he had been cited, and did not appear, was also burnt, together with his books, at the command of Leo X. by the bishop of Ascoli, and Silvester Prieriates.

When this custom of burning the statues of absent criminals began, is uncertain. Pegna believes it not to be very antient, because neither Eymeric, who, with great diligence, hath treated of every thing relating to practice in this crime, nor any other of the antients, who have written of the order of proceeding against heretics, have mentioned this custom; nor is there to be found any single trace of it in the Vatican copy, nor in that of the most illustrious Cardinal Sirletto, where there are many things, and even the most minute things concerning the method of judging and punishing heretics. But yet he thinks it very commendable, and proper to strike terror, and therefore altogether fit to be used.

<sup>a</sup> Pegna, *ibid.* p. 574.

<sup>b</sup> l. 2. t. 2. c. 1. n. 6.

## CHAP. XXXVIII.

*Of the Method of proceeding against the Dead.*

PROCESS is also carried on against the dead for the crime of heresy.<sup>a</sup> Now it may happen several ways, that a person may be judged an heretic after death. First, If before his death the inquisition against him was begun, and his crime appeared either by his own confession, or the evidence of the fact, or the legal proof of witnesses, and the criminal dies before the process is ended, either confessed and impenitent, or negative or relapsed. Secondly, If being in jail for heresy he kills himself, for by thus destroying himself he seems to confess the crime. Thirdly, If, though when alive, his heresy did not appear, and he was not accused of it, yet, if after his death, it at any time appears that he died an heretic, either by the depositions and attestations of others, or by facts, or deeds, or books composed by him, or by any other legal reasons. This process is carried on against the dead before this tribunal, chiefly for these three ends; that their memory may be condemned, that the heirs of the dead, or any other possessors of their effects, may be deprived of them by the fiscal; and finally, that the dead bodies may be taken up, cast out of holy ground and burnt, as it is determined by the first instruction of Seville.

There was also an edict in England against the dead bodies of Bucer and Fagius.<sup>b</sup> For when Cardinal Pool, the pope's legate in England, went, after queen Mary's inauguration, to the university of Cambridge, to restore all affairs there, they began the process of taking up the dead bodies of Bucer and Fagius. The dead persons were cited by a first and second edict,<sup>c</sup> and several witnesses produced against them once and again. When no one appeared, who would undertake their defence, they were at last condemned for contumacy, and on

<sup>a</sup> Direct. p. 3. qu. 43. com. 92.

<sup>b</sup> Bzovius, A. D. 1556. sect. 36. E. Thuan.

<sup>c</sup> Hist. Con. Trid. l. 5. p. 451.

the said day, sentence was pronounced before all the orders of the university, and their dead bodies were ordered to be dug up, and delivered to the queen's officers. After some few days, whilst the sentence was sent to London, an order came from the queen, that the punishment should be inflicted. Finally, on the sixth of February, the bodies were dug up, and a large stake fixed into the ground, in a certain part of the market-place prepared for that purpose, to which the bodies were tied, and a large pile of wood placed round them to burn them. After this, the chests were set up on end, with the dead bodies in them,<sup>a</sup> and fastened on both sides with stakes, and bound to the post with a long iron chain. After the pile was set on fire, they threw a great number of the books of the protestants into it, which they had gathered together, which were soon consumed by the spreading flames. Not long after this, Brookes, bishop of Gloucester, dealt in the same manner at Oxford, with Catharine, the wife of Peter Martyr, who, dying about four<sup>b</sup> years ago, was buried in Christ Church, near St. Frideswide's relics, who was held in great veneration in that college. For being convicted that she had embraced her husband's heresy, she was condemned, her dead body taken up, carried upon shoulders, and thrown upon a dunghill.<sup>c</sup>

Besides this, the statue of such deceased person is now brought forth' in public, on which the name of the person,

<sup>a</sup> They were buried, as Fox tells us, in chests.

<sup>b</sup> Fox says, two years.

<sup>c</sup> Fox assures us, that Brookes, bishop of Gloucester, Nicholas Ormanet, R. Morwen, president of Christ Church college, Cole and Wright, coming to Oxford as the cardinal's visitors, summoned before them all that had any acquaintance with her or her husband, and ministered an oath to them, that they should not conceal any thing that was demanded of them; and that being examined, their answer was, that they knew not what religion she was of, because they did not understand her language. But that notwithstanding this, the cardinal, by his letters, ordered the dean of Frideswide to dig her up, which the dean accordingly did that evening, and buried her in a dunghill. After this, in queen Elizabeth's reign, she was, by order of Parker, archbishop of Canterbury, Grindal, bishop of London, and others, the queen's high commissioners, taken up out of the dunghill, and buried in her former place, and her bones mixed with those of Frideswide, that they might never afterwards know one from the other.

whose memory is to be condemned, is written in large characters, and before which all the erroneous or heretical articles, and all the heretical deeds or works, which have been legally proved against the deceased, are recited in the same manner in which they were done, as though the deceased himself was living and present. This statue is delivered to the secular court, which the secular judge afterwards burns, as he would have burnt the deceased, if he had been living, and died obstinate.

### CHAP. XXXIX.

#### *Of the Manner of proceeding against Houses.*

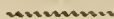
IN order to beget in the common people a greater abhorrence of the crime of heresy, they are used to pull down and level with the ground, the houses or dwellings, in which the heretic, or arch-heretic, holds conventicles and congregations. Of this we have several instances in the book of the sentences of the Tholouse inquisition.

If the owner of the house is not condemned of heresy, but heretics have committed such things in an house that did not belong to them, without the knowledge of the owner, the house is to receive no damage. But if he knew it, or ought to have known it, it is confiscated, and being confiscated, remains subject to the pleasure of the inquisitor. The materials of such houses go to the exchequer, or are decreed to be applied to other pious uses. The ground on which such house stood must not be shut in, but must always be uninhabited, that as it was formerly a receptacle of wicked wretches, it may from henceforth become a place of filth, and made a dunghill and stench.\* Excommunication also is threatened against all those who shall presume to rebuild it, or to inhabit or inclose it, or shall knowingly give any advice or assistance to it.

\* Lib. Sent. fol. 2.



Sometimes also the ground on which the house stood, is sprinkled over with salt, to denote its barrenness, at which time certain curses and imprecations are uttered. And finally, that there may be a perpetual monument of its infamy and just punishment, a solid stone, or a marble pillar four or five feet high, is erected in this last age, in the said ground, with certain large characters cut on it, containing the name of the owner of the house, shewing the reason of its being destroyed, and signifying the time, viz. under the reign of what pope, emperor, or king, the matter was transacted. In the former age there was a famous monument erected on this account in Spain, in the noble city of Valladolid, where Austin Cazzalla, although converted, and penitent, was, A. D. 1559, delivered as a dogmatist to the secular court, and his house pulled down, on the ground of which there was a little pillar erected, containing an account of the affair.



## CHAP. XL.

*How the Sentences are pronounced, and the condemned Persons delivered over to the secular Arm.*

THE inquisitors are commanded to pronounce the sentences against heretics,<sup>a</sup> and to leave the condemned persons to the secular powers present, to be punished according to their desert.<sup>b</sup> Although this command requires the secular judge to be present at the pronouncing sentence, yet the sentence of condemnation against heretics, pronounced when the secular judge is absent, is valid, provided there be all other things essential to it. For the laws do not so require the presence of the secular judge or his officers, as though nothing profitable could be transacted without him, but only that they, as servants, should put in execution the sentence pronounced; for

<sup>a</sup> Direct. 3 p. com. 48.

<sup>b</sup> Cap. Excommunicamus, 1. in princip. de hæret. Cap. Ad Abolendam. sect. Illos. and Cap. Novimus, de verb. signific.

every other act is forbidden them in this crime, which is merely ecclesiastical.<sup>c</sup> And if the presence of the secular judge was necessary in pronouncing sentence of condemnation against impenitent or relapsed heretics, he might easily, by this means, hinder the office of the inquisition, by denying his presence, either for no reason, or for a feigned and pretended one. So that when the inquisitor and bishop have pronounced sentence upon the criminal, it shall be valid, though the secular magistrate cannot, or will not, be present; and it shall be sufficient to intimate to him, by some legal person in writing when there is need, and which is the safest method, that such a person is judged to be an obstinate heretic, and impenitent or relapsed: and the secular magistrate, though not present at the sentence, shall be obliged to give credit to such an intimation, and to put to death the heretic delivered over to him, unless he will be most grievously punished as a favourer of heretics, and hinderer of the holy office. Nor must he have any copy of the process.

Also, in the same chapter *Novimus*, it is commanded, that the church shall effectually intercede for him, who is to be delivered over to be punished by the secular court, that the sentence concerning him may be so moderated, as to prevent danger or death.<sup>a</sup>

b “Is there,” says Dr. Geddes, in his view of the court of inquisition in Portugal, p. 446, “in all history, an instance of so gross and confident a mockery of God and the world, as this of the inquisitors beseeching the civil magistrates, not to put the heretics they have condemned and delivered to them, to death? For were they in earnest when they made this solemn petition to the secular magistrates, why do they bring their prisoners out of the inquisition, and deliver them to those magistrates, in coats painted over with flames? Why do they teach that heretics, above all other malefactors, ought to be punished with death? And why do they never resent the secular magistrates having so little regard to their earnest and joint petition, as never to fail to burn all the heretics that are delivered to them by the inquisition, within an hour or two after they have them in their hands? And why, in Rome, where the supreme, civil, and ecclesiastical authority are lodged in the same person, is this petition of the inquisition, which is made there as well as in other places, never granted?” Thus far Dr. Geddes, and let me here add, that this hypocrisy and dissimulation is the more vile and execrable, in that the inquisitors are commanded by the bulls of several popes, to compel the secular magistrate, under penalty of excommunication and other

And although the emperor Frederick provided by his law, “ Let no one presume to intercede with us in behalf of such, which if any doth, he shall deservedly incur our indignation,”<sup>a</sup> yet the ecclesiastical judges may intercede in another court for such a one; and although such intercession is forbidden, which tends to favour the heretic, or to the hindrance of justice, yet such intercession is not, which tends to the avoiding irregularity, and which is particularly enjoined by the law itself.— However, every difficulty of this kind the cunning industry of the popes hath wholly taken away, who have provided, how both the inquisitors and counsellors may more securely avoid irregularity. For Paul IV. considering, at Rome, April 29, A. D. 1557, in the congregations held before him on the cause of heresy, that the greatest part of those employed in this affair, were clergymen secular and regular, being in orders, in the priesthood, and the episcopal, archiepiscopal, or other higher dignity, and even some cardinals, and that it oftentimes happened, that, according to the nature of the cases and crimes before them, they gave sentence against the criminals, whereby was occasioned the loss of a limb, or the effusion of blood, and sometimes even natural death; and being therefore willing to consult their safety, and the ease of their mind and conscience, determined and decreed, that all the aforesaid who should assist him in judging, not only in causes of heresy, but also in every other criminal cause, which should or might be managed before him, might give sentence against criminals, by which they should be condemned to the questions or torture, or to any other condign punishment, even to the loss of a member, and to natural death inclusively, without incurring any censure or irregularity. Pius V. afterwards confirmed the same decree, and extended it to all the inquisitors, their vicars, commissaries, and counsellors, as Umbertus Locatus witnesses in his book *de opere Judiciali Inquisitorum*, towards the end.<sup>b</sup> So that as these de-

ecclesiastical censures, within six days, readily to execute the sentences pronounced by the inquisitors against heretics, i. e. to burn them. The tender mercies of these wretches are cruelty.

<sup>a</sup> Pegna com. 20. in part. 2. Direct.

<sup>b</sup> Tit. de decretis.



crees now stand in force, this protestation doth not seem necessary, that the inquisitors hereby may avoid irregularity, when criminals for heresy are actually delivered over; or left to the secular court. However, they will not suffer it to be omitted, because it is supported by common law, and the general custom of the ecclesiastical court; nor are several remedies, which may be had more securely to obtain the same end, to be rejected.

Nor can the secular judges,<sup>a</sup> after criminals for heresy, relapsed or impenitent, are delivered over, or left to them to be put to death, re-examine the process and cause, and correct or alter it if needful, or pronounce the sentence void.

In the accounts of the Spanish court, lately published by a noble French lady, who attended the queen out of France, there is an instance of a Jewish girl, scarce entered into her seventeenth year, extremely beautiful, who, in a public act of faith, at Madrid,<sup>b</sup> together with twenty others of her nation, of both sexes, being condemned to the stake, turned herself to the queen, and prayed, that out of her goodness and clemency, she might be delivered from the most dreadful punishment of the fire, in these words:—"Great queen, is not your presence able to bring me some comfort under my misery? Consider my youth, and that I am condemned for a religion which I have sucked in with my mother's milk!"<sup>c</sup> The queen turned away her eyes, and declared she pitied the miserable creature, but did not dare to intercede for her with a single word.

Nor must the inquisitor shew to the lay judge the process made by him; but the secular magistrate must immediately, and without delay, put in execution the sentence of the ecclesiastical judge. If he omits to do it, or defers the execution beyond the usual time, without a legal cause, the inquisitor may compel him to execute it by ecclesiastical censure. Alexander IV. hath, in the fullest manner, given this power to the inquisitors, by a rescript, beginning, *Ad audientiam*.

But in this affair, the custom of provinces is different. In Spain, as soon as ever the sentence of the relapsed or impenitent, or any others who are to be delivered over to the secular

<sup>a</sup> Qu 36 com. 85.

<sup>b</sup> A. D. 1680, June 30.

<sup>c</sup> Par. 2. pag. 54.



court, is read, the secular judges receive them immediately into their court, and having pronounced the sentence of death or burning, carry them directly to the place of execution. In many cities of Italy, the secular judges keep in their jails, the criminals left or delivered over to them by the inquisitors three or four days before they put them to death; which seems to be done by authority of Innocent IV. in a bull, beginning, *Ad extirpanda*, where we thus read:—"As to those who are condemned for heresy, by the diocesan or his vicar, or by the aforesaid inquisitors, let the chief magistrate or ruler, or his special messenger, receive them when they are left to him, and immediately, or within five days at least, put in execution the constitutions made against such persons." And they may be compelled to this by the punishment of excommunication, and other ecclesiastical censures, by a rescript of Innocent VIII. beginning *Dilectus Filius*, in these words:—"Enjoin and command the said secular officials, under the penalty of excommunication, and other ecclesiastical censures, that within six days, after they shall be legally required, they readily execute the sentences pronounced by you against such heretics, without seeing the said processes carried on by you, and without allowing any appeal." If the inquisitor finds the secular judge to be so negligent, as not to take care to put to death the heretics delivered to him after these five or six days are elapsed, though there be nothing legally to hinder him, then the inquisitor may command him to execute the punishment of burning, or of death, upon the heretics left to him, since this is the punishment usually inflicted on such; nor will the inquisitor hereby fall into irregularity. But others think it a safer method, that the inquisitor should not in this case mention by name the punishment of burning, or death, commanding the secular judge to inflict it, because possibly he might become irregular; to avoid which, he makes the usual protestation, when he consigns over heretics to the secular judge; and therefore they think it safer, that he should in general command him, under penalty of excommunication, or other censures, to put in execution the sentences pronounced by him. This manner of speaking is contained in a rescript of Alexander IV. beginning,

*Ad Audentiam* ; and of Leo X. beginning, *Honestis petentiam votis* ; or that he should observe the constitutions enjoined by Innocent IV.<sup>a</sup> And these methods they say are sufficient to avoid irregularity.

How they proceed in the dutchy of Milan in execution of the sentence against heretics, Carena teaches us in these words.<sup>b</sup> “ And that we may see how our senate at Milan proceeds in executing the sentences pronounced by the inquisitors against heretics, and how great the zeal of the said tribunal is in things concerning the Catholic religion, I here subjoin the following rescript of the said senate in this affair. ‘ Our beloved : we have seen what you have written to us concerning Don Baptista Gaudentius, alias Friar Seraphin of Ferrara, who, as you have written to us, is guilty of heretical pravity. Wherefore when he is delivered to you, immediately put his condemnation in execution.’<sup>c</sup> And in execution of this decree, the said criminal was, on the 12th day of the said month, burnt alive in the public place of justice, as a relapsed and impenitent heretic.”



## CHAP. XLI.

### *Of an ACT of FAITH.*

THE last act of the Inquisition now remains, in which may be seen the accomplishment of all the several matters we have been explaining, and relating. It is commonly called an act of faith. And it is worth while more particularly to describe this solemnity, because it is celebrated with the greatest pomp.

When the inquisitor is determined to pronounce the sentences of certain criminals, he fixes on some Lord's-day or festival to perform this solemnity. But they take care that it be not

<sup>a</sup> In Extrav. Ad extirpanda, sect. Damnati vero.

<sup>b</sup> p. 2. t. 2. sect. 6. n. 44.

<sup>c</sup> Milan, Aug. 6, 1573. Directed to the wise J. C. judge of the malefactors at Cremona.

Advent Sunday, or in Lent, or a very solemn day, such as the Nativity of our Lord, Easter, and the like; because it is not decent that the sermons on those days should be suspended, but that every one should go to his own parish church. A certain Sunday or festival therefore being appointed, the parsons of all the churches of that city or place, in which this solemnity is to be performed, do, by command of the bishop and inquisitor, when they have done preaching, publicly intimate to the clergy and people, that the inquisitor will, in such a church, hold a general sermon concerning the faith; and they promise, in the name of the Pope, the usual indulgence of 40 days, to all who will come and see and hear the things which are there to be transacted. They take care to give the same notice in the houses of those religious, who commonly preach the word of God, and that their superiors should be told, that because the inquisitor will in such a church make a general sermon concerning the faith, therefore he suspends all other sermons, that every superior may send four or two friars, as he thinks fit, to be present at the sermon, and the pronouncing the sentences. This solemnity was formerly called, "A general sermon concerning the Faith," but it is now called, "An Act of Faith." And in this, great numbers of persons, sometimes one or two hundred are brought forth in public procession to various kinds of penances and punishments, all wearing the most horrible habits. They chuse festivals for this solemnity, because then there is a greater confluence of people gathered together to see the torments and punishments of the criminals, that from hence they may learn to fear, and be kept from the commission of evil. Concerning this rite, the Madrid Instruction,<sup>a</sup> thus prescribes.<sup>b</sup> "When the processes of the criminals are concluded, and the sentences fixed, the inquisitors shall assign some holyday, on which there shall be a public act of the faith: which day they shall signify to the chapters of the church and consistory of the city; and where there is any royal council, it shall be notified also to the president and members, who must be all invited to attend the act of faith,

<sup>a</sup> A. D. 1561. c. 77.

<sup>b</sup> Param. l. 3. qu. 4. n. 36.

according to the custom of every place. And let the inquisitors take care that these things be done in such convenient time, as that the execution of the sentences of those who are to be delivered over to the secular court may be done by day, to prevent inconveniences." And indeed, as this act of faith is now celebrated in Spain and Portugal, the solemnity is truly an horrible and tremendous spectacle, in which every thing is designedly made use of that may strike terror, for this reason, as they say, that they may hereby give some representation and image of the future judgment.

If any one, whether an impenitent or relapsed heretic, is to be delivered to the secular court, the bishop and inquisitor give notice to the ballive of the place, or principal magistrate of the secular court, that he must come such a day and hour with his attendance to such a street or place, to receive a certain heretic or relapsed person out of their court, whom they will deliver to him; and that he must give public notice the same day, or the day before in the morning, by the crier, throughout the city, in all the usual places and streets, that on such a day and hour, and in such a place, the inquisitor will make a sermon for the faith, and that the bishop and inquisitor will condemn a certain heretic or relapse, by delivering him to the secular court.

In most of the tribunals of the Inquisition, especially in Spain, it is a remarkable custom they use, viz. on the day before the acts of faith, solemnly to carry a bush to the place of the fire,<sup>a</sup> with the flames of which they are consumed, who deserve the punishment of being burnt. This is not without its mysteries; for the burning and not consuming bush, signifies the indefectible splendor of the church, which burns, and is not consumed; and besides this, it signifies mercy towards the penitent, and severity towards the froward and obstinate. And farther, it represents how the inquisitors defend the vineyard of the church, wounding with the thorns of the bush, and burning up with flames all who endeavour to bring heresies into the harvest of the Lord's field. And finally, it points out the obstinacy and frowardness of heretics, which must rather be

<sup>a</sup> Param. l. 2. t. 3. c. 10. n. 70, &c.



broken and bent, like a rugged and stubborn bush, and that as the thorns and prickles of the bush tear the garments of those who pass by, so also do the heretics rend the seamless coat of Christ.

Besides,<sup>a</sup> the day before the criminals are brought out of jail, to the public act of faith, they part with their hair and their beard, by which the inquisitors represent, that heretics return to that condition in which they were born, viz. becoming the children of wrath.

All things being thus prepared to celebrate this act of faith, all the prisoners, on that very day which is appointed for the celebration of it, are cloathed<sup>b</sup> with that habit which they must wear in the public procession. But the custom in this matter is not altogether the same in all the Inquisitions.<sup>c</sup> In that of Goa<sup>d</sup> the jail-keepers, about midnight, go into the cells of the

<sup>a</sup> Param. l. 2. t. 3. c. 11. n. 63.

<sup>b</sup> The inquisitors are particularly cautious, that their credit with the people for mercy and humanity should not be injured, by the appearance of their victims at the auto da fe. In the bye-laws it is thus provided, Book ii. tit. 14, sect. 6. "If it should happen to be necessary, that severe torture should be inflicted fourteen days before the auto da fe, in order that the prisoners may not go to it with the marks of the torture; it shall be performed in the colt, and in the session of interrogatories made in the torturing room, the reason shall be always declared, why the torture was given upon the colt and not in the poley, and in all sessions of interrogatories, the hour when the torture began, and at what hour it ended, shall be also declared." Also Book ii. tit. 22. "Be it ordained, that all penitents (or rather condemned persons) shall go decently dressed and for this purpose, eight or ten days before the auto da fe, they (the inquisitors) shall make enquiries of the goaler, what persons are in want of clothes, and shall order each to be provided with the necessary quantity."—Da Costa, vol. i. 138-9.

<sup>c</sup> Hist. Inq. Goa. c. 26.

<sup>d</sup> Dr. Buchanan whilst in India in 1808, enjoyed an opportunity very rarely afforded, of inspecting part of the buildings of the Inquisition at Goa, of which he has given the following highly interesting account.

<sup>e</sup> Goa, Augustinian Convent, 28th January, 1808.

<sup>f</sup> When I left the forts to come up to the inquisitor, Colonel Adams desired me to write to him; and he added half-way between jest and earnest, "If I do not hear from you in three days, I shall march down the 78th and storm the Inquisition." This I promised to do. But, having been so well enter-

prisoners, bring in a burning lamp to each of them, and a black garment striped with white lines; and also a pair of

tained by the inquisitor, I forgot my promise. Accordingly, on the day before yesterday, I was surprised by a visit from Major Braamecamp Aid-de-Camp to his excellency the Vice-Roy, bearing a letter from Colonel Adams, and a message from the Vice-Roy, proposing that I should return every evening and sleep at the forts, on account of the unhealthiness of Goa.

‘ This morning after breakfast my host went to dress for the holy office, and soon returned in his inquisitorial robes. He said he would go half an hour before the usual time for the purpose of shewing me the Inquisition. I thought that his countenance was more severe than usual; and that his attendants were not so civil as before. The truth was, the midnight scene was still on my mind. The Inquisition is about a quarter of a mile distant from the convent, and we proceeded thither in our Manjeels, a kind of Palankeen. On our arrival at the place, the inquisitor said to me, as we were ascending the steps of the outer stair, that he hoped I should be satisfied with a transient view of the Inquisition, and that I would retire whenever he should desire it. I took this as a good omen, and followed my conductor with tolerable confidence.

‘ He led me first to the great hall of the Inquisition. We were met at the door by a number of well dressed persons, who, I afterwards understood, were the familiars, and the attendants of the holy office. They bowed very low to the inquisitor, and looked with surprise at me. The great hall is the place in which the prisoners are marshalled for the procession of the auto da fe. At the procession described by Dellon, in which he himself walked bare-foot, clothed with the painted garment, there were upwards of one hundred and fifty prisoners. I traversed this hall for some time, with a slow step, reflecting on its former scenes, the inquisitor walking by my side, in silence. I thought of the fate of the multitude of my fellow-creatures who had passed through this place, condemned by a tribunal of their fellow-sinners, their bodies devoted to the flames, and their souls to perdition. And I could not help saying to him, ‘ Would not the holy church wish, in her mercy, to have those souls back again, that she might allow them a little further probation ?’ The inquisitor answered nothing, but beckoned me to go with him to a door at one end of the hall. By this door he conducted me to some small rooms, and thence to the spacious apartments of the chief inquisitor. Having surveyed these he brought me back again to the great hall; and I thought he seemed now desirous that I should depart. ‘ Now, father,’ said I, ‘ lead me to the dungeons below; I want to see the captives.’—‘ No,’ said he, ‘ that cannot be.’—I now began to suspect that it had been in the mind of the inquisitor, from the beginning, to shew me only a certain part of the Inquisition, in the hope of satisfying my inquiries in a general way. I urged him with earnestness, but he steadily resisted, and seemed to be offended, or rather agitated by my importunity. I intimated to him plainly, that the only way to do justice to his own assertions and arguments, regarding the present

breeches, which reach down to their ancles, both which they order them to put on. The black habit is given them in token

state of the Inquisition, was to shew me the prisons and the captives. I should then describe only what I saw; but now the subject was left in awful obscurity.—‘Lead me down,’ said I, ‘to the inner building and let me pass through the two hundred dungeons, ten feet square, described by your former captives. Let me count the number of your present captives, and converse with them. I want to see if there be any subjects of the British government, to whom we owe protection. I want to ask how long they have been here, how long it is since they beheld the light of the sun, and whether they ever expect to see it again. Shew me the chamber of torture; and declare what modes of execution, or of punishment, are now practised within the walls of the Inquisition, in lieu of the public *auto da fe*. If, after all that has passed, father, you resist this reasonable request, I shall be justified in believing, that you are afraid of exposing the real state of the Inquisition in India.’ To these observations the inquisitor made no reply; but seemed impatient that I should withdraw. ‘My good father,’ said I, ‘I am about to take my leave of you, and to thank you for your hospitable attentions, (it had been before understood that I should take my final leave at the door of the Inquisition, after having seen the interior,) and I wish always to preserve on my mind a favourable sentiment of your kindness and candour. You cannot, you say, shew me the captives and the dungeons; be pleased then merely to answer this question; for I shall believe your word:—‘How many prisoners are there now below, in the cells of the Inquisition?’ The inquisitor replied ‘That is a question which I cannot answer.’ On his pronouncing these words, I retired hastily towards the door, and wished him farewell. We shook hands with as much cordiality as we could at the moment assume; and both of us, I believe, were sorry that our parting took place with a clouded countenance.

‘From the Inquisition I went to the place of burning in the Camp Santo Lazaro, on the river side, where the victims were brought to the stake at the *auto da fe*. It is close to the palace, that the Vice-Roy and his court may witness the execution; for it has ever been the policy of the Inquisition to make these spiritual executions appear to be the executions of the state. An old priest accompanied me, who pointed out the place, and described the scene. As I passed over this melancholy plain, I thought on the difference between the pure and benign doctrine, which was first preached to India in the apostolic age, and that bloody code, which, after a long night of darkness, was announced to it under the same name! And I pondered on the mysterious dispensation, which permitted the ministers of the Inquisition, with their racks and flames, to visit these lands, before the heralds of the gospel of peace. But the most painful reflection was, that this tribunal should yet exist, unawed by the vicinity of British humanity and dominion. I was not satisfied with what I had seen or said at the Inquisition, and I determined to go back again. The inquisitors were now sitting on the tribunal, and I had some excuse for returning, for I was to receive from the



of grief and repentance. About two o'clock the keepers return, and carry the prisoners into a long gallery, where they are all placed in a certain order against the wall, no one of them being permitted to speak a word, or mutter, or move; so that they stand like statues, nor is there the least motion of any one of their members to be seen, except of their eyes. All these are such as have confessed their fault, and have declared themselves willing to return by penance to the bosom of the church of Rome. To every one of these is given a habit to put over

chief inquisitor a letter, which he said he would give me, before I left the place, for the British resident in Travancore,\* being an answer to a letter from that officer.

' When I arrived at the Inquisition, and had ascended the outer stairs, the door-keepers surveyed me doubtingly, but suffered me to pass, supposing that I had returned by permission and appointment of the inquisitor. I entered the great hall, and went up directly towards the tribunal of the Inquisition, described by Dellon, in which is the lofty crucifix. I sat down on a form, and wrote some notes; and then desired one of the attendants to carry in my name to the inquisitor. As I walked up the hall, I saw a poor woman sitting, by herself, on a bench by the wall, apparently in a disconsolate state of mind. She clasped her hands as I passed, and gave me a look expressive of her distress. This sight chilled my spirits. The familiars told me she was waiting there to be called up before the tribunal of the Inquisition. While I was asking questions concerning her crime, the second inquisitor came out in evident trepidation, and was about to complain of the intrusion; when I informed him I had come back for the letter from the chief inquisitor. He said it should be sent after me at Goa; and he conducted me with a quick step towards the door. As we passed the poor woman, I pointed to her, and said to him with some emphasis, ' Behold, father, another victim of the holy Inquisition!' He answered nothing. When we arrived at the head of the great stair, he bowed, and I took my last leave of Josephus a Doloribus, without uttering a word.'

It will be well understood for what purpose the foregoing particulars concerning the Inquisition at Goa, are rehearsed in the ears of the British nation. "The Romans," says Montesquieu, "deserve well of human nature, for making it an article in their treaty with the Carthaginians, that they should abstain from 'sacrificing their children to their gods.' It has been observed by respectable writers, that the English nation ought to imitate this example, and endeavour to induce her allies to abolish the human sacrifices of the Inquisition." †—Buchanan's *Ecclesiastical Researches*, p. 168.

\* Colonel Macaulay, who is now in England.

† Edin. Rev. vol. xv. 60. Ibid. vol. xviii. 146.



their black garment. Penitent heretics, or such as are vehemently suspected, receive the blessed sackcloth, commonly called the *Sambenito*, which, as we have before related, is of a saffron colour, and on which there is put the cross of St. Andrew, of a red colour on the back and on the breast.<sup>a</sup> Vile and abject persons are made to wear the infamous mitre for more outrageous blasphemies, which carries in it a representation of infamy, denoting that they are as it were bankrupts of heavenly riches. The same mitre is put on polygamists, who are hereby shewn to have joined themselves to two churches; and finally, such as are convicted of magic, but what is signified hereby as to them, I have not been able to discover. The others, whose offences are slighter, have no other garment besides the black one. Every one hath given him an extinguished taper, and a rope put about their neck, which rope and extinguished taper have their signification, as we shall afterwards shew. The women are placed in a separate gallery from the men, and are there cloathed with the black habit, and kept till they are brought forth in public procession.

As to those who are designed for the fire, viz. such as have confessed their heresy, and are impenitent, and negatives, viz. such who are convicted by a sufficient number of witnesses, and yet deny their crime, and finally, such as are relapsed, they are all carried into a room separate from the others. Their dress is different from that of the others. They are, however, clothed with the sackcloth, or kind of mantle, which some call the *Sambenito*, others the *Samarra* or *Samaretta*. And though it be of the same make as the *Sambenito* is,<sup>b</sup> yet it hath different marks, is of a black colour, hath flames painted on it, and sometimes the condemned heretic himself, painted to the life, in the midst of the flames. Sometimes also they paint on it devils thrusting the poor heretic into hell. Other things may also be put on it, and all this is done, that persons may be deterred from heresy by this horrible spectacle.

As to those who, after sentence pronounced, do at length confess their crime, and convert themselves before they go out

<sup>a</sup> Param. l. 2. t. 2. c. 11. n. 70, 71.

<sup>b</sup> Ibid. l. 1. t. 2. c. 5. n. 8.

of jail, and are not relapses,<sup>a</sup> they are clothed with the Samarra, on which the fire is painted, sending the flames downward, which the Portuguese call *Fogo revolto*; as though you should say the Fire inverted. Besides this, they have paper mitres put on them made in the shape of a cone, on which also devils and flames are painted, which the Spaniards and Portuguese call in their language *Carocha*. All of them being thus clothed, according to the nature of their crime, are allowed to sit down on the ground, waiting for fresh orders. Those of them who are to be burnt, are carried into a neighbouring apartment, where they have confessors always with them, to prepare them for death, and convert them to the faith of the church of Rome.

This is now the custom of clothing all the prisoners in Spain, before they are brought forth in solemn procession to public view. I cannot readily say, whether this was the custom formerly. It seems rather to appear by Eymeric's Directory of the Inquisitors, that the criminals, in the very act of faith, were at length clothed with the infamous garment they were condemned to wear, after the sermon concerning the faith, and the pronouncing the sentence.<sup>b</sup> For in his third part, where he treats of the abjuration to be made by one found in heresy, or who hath confessed it, he thus advises. "He (the inquisitor) also shall give orders for making the garment after the shape of a monk's mantle;" and afterwards he uses these words in the sentence, "*Imprimis,*<sup>c</sup> you shall be afterwards clothed with the livid garment, made after the manner of the soldier's banner, or the monk's mantle without the hood." And again, "After these things, the sentence shall be put in due execution, and the aforesaid garment be immediately put on."<sup>d</sup> From which passages it is plain enough, that the criminals did not come out of jail to the sermon concerning the faith, clothed with this infamous garment, but were dismissed from church with this habit, after the sermon concerning the faith was done, and the sentence pronounced. But this by the way only.

About four o'clock the officers give bread and figs to all of

<sup>a</sup> Hist. Goan. Inq. c. 26.

<sup>b</sup> Ibid. n. 189.

<sup>c</sup> Ibid. n. 194.

<sup>d</sup> Ibid. n. 195.

them, that they may somewhat satisfy their hunger during the celebration of the act of faith.<sup>a</sup> About sunrising, the great bell of the cathedral church tolls, by which, as the usual signal of an act of faith, all persons are gathered together to this miserable spectacle. The more reputable and principal men of the city meet at the house of the inquisition, and are as it were the sureties of the criminals, one of them walking by the side of each criminal in the procession, which they think is no small honour to them. Matters being thus prepared, the inquisitor places himself near the gate of the house of the inquisition, attended by the notary of the holy office. Here he reads over in order the names of all the criminals, beginning with those whose offences are least, and ending with those whose crimes are greatest. The criminals march out each in their order, with naked feet, and wearing the habit that was put on them in jail. As every one goes out, the notary reads the name of his surety, who walks by his side in the procession. The Dominican monks march first, who have this honour granted them, because Dominic, the founder of their order, was also the inventor of the inquisition. The banner of the holy office is carried before them, in which the image of Dominic is curiously wrought in needlework, holding a sword in one hand, and in the other a branch of olive, with these words, "Justice and Mercy."<sup>b</sup> Then follow the criminals with their sureties. When all those whose crimes are too slight to be punished with death, are gone out into procession, then comes the crucifix, after which follow those who are led out to the punishment of death. The crucifix being in the midst of these, hath its face turned to those who walk before, to denote the mercy of the holy office to those who are saved from the death they had deserved, and the back part of it to those who come after, to denote that they have no grace or mercy to expect. For all things in this office are mysterious. Finally, They carry out the statues of those who have died in heresy, habited in the Samarra, and also the bones dug out of the graves, shut up in black chests,

<sup>a</sup> Hist. Inq. Goan. c. 26.

<sup>b</sup> Frontispiece.







upon which devils and flames are painted all over, that they may be burnt to ashes.

<sup>a</sup> When they have thus marched round the principal streets

<sup>a</sup> Dr. Geddes gives us the following account of this procession in Portugal, p. 442. "In the morning of the day the prisoners are all brought into a great hall, where they have the habits put on they are to wear in the procession, which begins to come out of the inquisition about nine o'clock in the morning.

"The first in the procession are the Dominicans, who carry the standard of the inquisition, which on the one side hath their founder, Dominic's picture, and on the other side the cross, betwixt an olive-tree and a sword, with this motto, 'Justitia et Miserecordia.' Next after the Dominicans come the penitents, some with Benitoes, and some without, according to the nature of their crimes. They are all in black coats without sleeves, and bare-footed, with a wax-candle in their hands. Next come the penitents, who have narrowly escaped being burnt, who, over their black coat, have flames painted, with their points turned downwards, to signify their having been saved, but so as by fire. Next come the negative and relapsed, that are to be burnt, with flames upon their habit, pointing upward; and next come those who profess doctrines contrary to the faith of the Roman church, and who, besides flames on their habit pointing upward, have their picture, which is drawn two or three days before upon their breasts, with dogs, serpents, and devils, all with open mouths painted about it.

"Pegna, a famous Spanish inquisitor, calls this procession, 'Horrendum ac tremendum Spectaculum,' and so it is in truth, there being something in the looks of all the prisoners, besides those that are to be burnt, that is ghastly and disconsolate, beyond what can be imagined; and in the eyes and countenances of those that are to be burnt, there is something that looks fierce and eager.

"The prisoners that are to be burnt alive, besides a familiar, which all the rest have, have a Jesuit on each hand of them, who are continually preaching to them to abjure their heresies; but if they offer to speak any thing, in defence of the doctrines they are going to suffer death for professing, they are immediately gagged, and not suffered to speak a word more.

"This I saw done to a prisoner, presently after he came out of the gates of the inquisition, upon his having looked up to the sun, which he had not seen before in several years, and cried out in a rapture, 'How is it possible for people that behold that glorious body, to worship any being but him that created it?' After the prisoners comes a troop of familiars on horse-back, and after them the inquisitors and other officers of the court upon mules; and last of all comes the inquisitor general upon a white horse, led by two men, with a black hat, and a green hatband, and attended by all the nobles, that are not employed as familiars in the procession.

"In the Terreiro de Paco, which may be as far from the inquisition, as White-hall is from Temple Bar, there is a scaffold erected, which may hold



of the city, that all may behold them, they at length enter the church, where the sermon concerning the faith is to be preached. At Goa this is usually the church of the Dominicans, and sometimes that of the Franciscans. The great altar is covered over with cloth, upon which are placed six silver candlesticks, with burning tapers. On each side of it is erected something like a throne; that on the right hand for the inquisitor and his counsellors; that on the left for the viceroy and his officers. Over against the great altar there is another lesser one, on which several missals are placed, and from thence even to the gate of the church is made a long gallery, three feet wide, full of seats, in which the criminals are placed, with their sureties, in the order in which they enter the church; so that those who enter first, and have offended least, are nearest the altar.

After this comes in the inquisitor, surrounded with his colleagues, and places himself on the right hand throne, and then the viceroy, with his attendants, seats himself on the throne on the left hand. The crucifix is put on the altar in the midst of the six candlesticks. Then the sermon is preached concerning the faith and the office of the inquisition. This honour is generally given to the Dominicans. The author of the *History of the Inquisition at Goa* tells us, that in the act of faith, in which he walked in procession, clothed with the Sambenito, the provincial of the Augustines preached the sermon, which lasted half an hour, and treated of the inquisition, which he compared to Noah's ark; but said it was preferable to Noah's ark in this, because that the animals which entered it came out of it after the flood, with the same brutal nature they carried in; whereas the inquisition so far changes the persons who are detained in it, that though they enter cruel as wolves, and fierce as lions, they come out of it meek as lambs.

When the sermon is ended, two readers, one after another,

two or three thousand people; at the one end sit the inquisitors, and at the other end the prisoners, and in the same order as they walked in the procession, those that are to be burnt being seated on the highest benches behind the rest, which may be ten feet above the floor of the scaffold."

mount the same pulpit, and with a loud voice publicly read over the sentences of all the criminals, and the punishment to which they are condemned. He whose sentence is read over is brought by an officer into the middle of the gallery, holding an extinguished taper in his hand, and there stands till his sentence is read through; and because all the criminals are supposed to have incurred the greater excommunication, when any one's sentence is read over, he is brought to the foot of the altar, where, upon his knees and his hands placed on the missal, he waits till so many are brought there, as there are missals upon the altar. Then the reader for some time defers the reading of the sentences; and after he hath admonished those who are kneeling at the altar, that they should recite with him with their heart and mouth the confession of faith he is to read over to them, he reads it with a loud voice; and when it is ended they all take their former places. Then the reader reads over the sentences of the rest, and the same order is observed till all the sentences are gone through.

When the sentences of all those, who are freed from the punishment of death by the mercy of the holy office, are read through, the inquisitor rises from his throne, puts on his sacred vestments, and being attended with about twenty priests, comes down into the middle of the church, and there saying over some solemn prayers, which may be seen<sup>a</sup> in the Book of the Sentences of the Tholouse Inquisition,<sup>b</sup> he absolves them all from the excommunication they were under, giving each of them a blow by the hands of those priests who attend him.

<sup>a</sup> *Verse.* Lord, save thy men servants, and thine handmaids.

*Resp.* Those, O my God, who trust in thee.

*Verse.* The Lord be with you.

*Resp.* And with thy spirit.

*Let us pray.*

GRANT, we beseech thee, O Lord, to these thy men servants, and thine handmaids, the worthy fruit of penance, that they may be rendered innocent in the sight of thy holy church, from the integrity of which they have strayed through sin, by obtaining the pardon of their sins, through Christ our Lord. Amen.



Farther, when the inquisitors absolve and reconcile penitents at an act of faith,<sup>a</sup> they make use of rods, to admonish them, that by heresy they have fallen from the favour of God into his anger and fury. Hence Paramus advises such penitents to consider, with how great indulgence they are treated, because they are only whipped on their shoulders, that they may go away, and being mindful of the divine fury, may take heed not to relapse for the future. The rod also points out the judiciary power which the inquisitors exercise over impious heretics, and those who are suspected of heresy, because a rod is the measure by which any one's deserts are measured, and therefore penitents are whipped with rods according to the nature of their offence, whereby their faults are weighed and measured. Farther, the inquisitors use rods, because, as a rod at the beginning is in its nature flexible, tender, and soft, but at last hard, blunt, and stiff, so the inquisitors are soft and tender, whilst penitents, offending through frailty and ignorance, reconcile themselves; but if heretics do afterwards suffer themselves to be overcome by wickedness, and fall again into the crimes they have committed, then they whip them, and strike them severely, even to the burning of the fire. And, finally, they use rods to establish and support the weak in the faith, because rods are a very apt instrument to support and confirm the lame and weak.

The penitents carry in their hands extinguished wax tapers,<sup>b</sup> whilst the inquisitors reconcile them, to intimate, that the light of the faith hath been altogether extinguished in their minds by the sin of heresy and infidelity. These tapers are made of wax, whereby heretics profess (*Risum teneatis*) that their hearts have been so melted, through the heat of concupiscence, as to receive various sects; and that as wax grows hard by moisture, but melts by dryness and warmth, so they, being hardened by the moisture of carnal delights, have remained in infidelity, but are melted as wax, and converted by the dryness and heat of tribulation and penance enjoined them. And, finally, the cotton of the taper, and the wax of which it is made, and the fire with which it is lighted after absolution,

<sup>a</sup> Paramus, l. 2. t. 3. cap. 11.

<sup>b</sup> Ibid. n. 25.

shadow forth, that the heretics have denied faith, hope, and charity. But when the tapers are lighted after their reconciliation, this signifies, that they profess they will demonstrate by the light of good works, the faith which they have recovered.

Farther, those who are reconciled are sprinkled with holy water and hysop,<sup>a</sup> in token, that being brought out of the power of darkness, and having turned the eyes of their minds to the true light of the faith, they are to remain free from all the snares and calumnies of the devil, that they may serve God with greater freedom.

Farther, he who hath offended against the Catholic faith,<sup>b</sup> which he had professed, hath a rope tied round his neck, to signify, that the inward parts of such a person being possessed by the craftiness of the devil, have been given to such sins, of which his outward parts being tied with ropes, give a very evident sign and proof. And though they are reconciled after abjuration of their heresy, yet they walk with a rope about their necks, that they may come out as witnesses against themselves, and may be examples to others, that they may turn their eyes to the inward spots of the mind.

During this action, every one of the prisoners eats the bread and figs in the church, which were given them by the officers of the inquisition in jail.

When this ceremony is performed, the inquisitor goes back to his place, after which the sentences of those who are appointed to death are read over, the conclusion of which is, that the inquisition can shew them no favour upon account of their being relapsed, or impenitent, and that therefore it delivers them over to the arm of the secular court, which they earnestly intreat so to moderate their punishment, as to prevent the effusion of blood, and danger of death. When those last words are read, one of the officers of the holy office gives each of them a blow on the breast, by which he signifies, that they are left by the inquisition; upon which one of the officers of secular justice comes to them and claims them. If any one of them are in holy orders, they are degraded, and deprived of all their orders, before they are delivered to the secular arm. After

<sup>a</sup> Paramus, l. 2. t. 3. c. 11. n. 61.

<sup>b</sup> Ibid. c. 11. n. 73.

this, they read the sentences against the dead. At last these miserable wretches are brought to the secular judge, to hear the sentence of death, and when they come before him, they are severally asked, in what religion they desire to die. Their crime is never enquired into; because it is not the office of the secular magistrate, to ask, whether those who are condemned by the inquisition, are criminal. He is to pre-suppose them guilty, and his duty is to inflict the punishment appointed by law, upon those who commit such crimes of which they are pronounced guilty by the inquisition. When they have answered this one single question, they are soon after tied to a stake, round about which there is placed a pile of wood. Those who answer that they will die Catholics, are first strangled; but those who say they will die Jews or heretics, are burnt alive.<sup>a</sup> As these are leading out to punishment, the rest are

<sup>a</sup> I cannot avoid here giving my reader a more particular account of this execution from Dr. Geddes, who himself was once present at it. His words are these:—"The prisoners are no sooner in the hands of the civil magistrate, than they are loaded with chains, before the eyes of the inquisitors, and being carried first to the secular jail, are, within an hour or two, brought from thence, before the lord chief justice, who, without knowing any thing of their particular crimes, or of the evidence that was against them, asks them, one by one, in what religion they intend to die? If they answer, that they will die in the communion of the church of Rome, they are condemned by him, to be carried forthwith to the place of execution, and there to be first strangled, and afterwards burnt to ashes. But if they say, they will die in the Protestant, or in any other faith that is contrary to the Roman, they are then sentenced by him, to be carried forthwith to the place of execution, and there to be burnt alive.

"At the place of execution, which at Lisbon is the Ribera, there are so many stakes set up, as there are prisoners to be burnt, with a good quantity of dry furz about them. The stakes of the *professed*, as the inquisitors call them, may be about four yards high, and have a small board whereon the prisoner is to be seated, within half a yard of the top. The negative and relapsed being first strangled and burnt, the *professed* go up a ladder, betwixt the two jesuits, which have attended them all day, and when they are come even with the forementioned board, they turn about to the people, and the jesuits spend near a quarter of an hour in exhorting the *professed* to be reconciled to the church of Rome; which, if they refuse to be, the jesuits come down, and the executioner ascends, and having turned the *professed* off the ladder upon the seat, and chained their bodies close to the stake, he leaves them, and the jesuits go up to them a second time, to renew their exhortation to them, and at parting tell them, "That they leave them to the



carried back without any order, by their sureties, to the jail of the inquisition. This is the celebration of an act of faith in Portugal, or rather in that part of India which is subject to the Portuguese, as a Frenchman hath described it, in his history of

devil, who is standing at their elbow to receive their souls, and carry them with him into the flames of hell-fire, so soon as they are out of their bodies." Upon this a great shout is raised, and as soon as the jesuits are off the ladders, the cry is, "Let the dog's beards, let the dog's beards be made!" which is done by thrusting flaming furzes, fastened to a long pole, against their faces. And this inhumanity is commonly continued until their faces are burnt to a coal, and is always accompanied with such loud acclamations of joy, as are not to be heard upon any other occasion; a bull feast, or a farce being dull entertainments, to the using a professed heretic thus inhumanly.

"The professed beards having been thus made, or trimmed, as they call it in jollity, fire is set to the furz, which are at the bottom of the stake, and above which the professed are chained so high, that the top of the flame seldom reaches higher than the seat they sit on; and if there happens to be a wind, to which that place is much exposed, it seldom reaches so high as their knees. So that though, if there be a calm, the professed are commonly dead in about half an hour after the furz is set on fire, yet if the weather prove windy, they are not after that dead in an hour and a half or two hours, and so are really roasted, and not burnt to death. But though, out of hell, there cannot possibly be a more lamentable spectacle than this, being joined with the sufferers (so long as they are able to speak) crying out, *Misericordia por amor de Dios*, "Mercy for the love of God," yet it is beheld by people of both sexes, and all ages, with such transports of joy and satisfaction, as are not on any other occasion to be met with. Geddes's Tracts, vol. i. p. 447, &c. Thus far Dr. Geddes.

When Mr. Wilcox, afterwards bishop of Gloucester, was minister to the English factory, at Lisbon, he sent the following letter to the then bishop of Salisbury, Dr. Gilbert Burnet, dated at Lisbon, Jan. 15, 1706, N. S. which I publish by his lordship's allowance and approbation, and which abundantly confirms the foregoing account.

"MY LORD,

"IN obedience to your lordship's commands of the 10th ult. I have here sent all that was printed concerning the last *Auto da Fe*. I saw the whole process, which was agreeable to what is published by Limborch and others upon that subject. Of the five persons condemned, there were but four burnt: Antonio Tavanés, by an unusual reprieve, being saved after the procession. Heytor Dias, and Maria Pinteyra, were burnt alive, and the other two first strangled. The execution was very cruel. The woman was alive in the flames half an hour, and the man above an hour. The present king and his brothers were seated at a window so near, as to be addressed for a considerable time in very moving terms by the man as he was burning. But though the favour he begged was only a few more faggots, yet he was



the inquisition at Goa, who himself walked in procession at an act of faith, wearing the infamous Sambenito, and who accurately observed and described all the circumstances of it.

The method of celebrating an act of faith in Spain, is somewhat different. For whereas at Goa, the banner which they carry before the procession hath the picture of Dominic wrought in it, Paramus says, that in Spain the cross is the banner of the inquisition, which is carried before them, and tediously tells us of several mysteries signified by the cross, of which I will here give a short summary.

The cross is the beginning and end of all acts of the inquisition,<sup>a</sup> and by it is represented, that the tribunal of the inquisition is a representation of that supreme and final tribunal, in which the sign of the cross shall appear before the Lord Christ, coming to the judgment of the world with great majesty and glory. Farther, it denotes the war which the inquisition wages against heretics, and the victory which they gain over the enemies of the orthodox faith; because the inquisitors are appointed the conquerors of heretical pravity, and captains for the defence of religion, who keep watch at the castle of the inquisition for the Christian faith, repair it when going to ruin, restore it when tumbled down, and preserve it when restored in its ancient, flourishing, and vigorous state.

not able to obtain it. Those which are burnt alive here, are seated on a bench twelve feet high, fastened to a pole, above six feet higher than the faggots. The wind being a little fresh, the man's hinder parts were perfectly wasted, and as he turned himself, his ribs opened before he left speaking, the fire being recruited as it wasted, to keep him just in the same degree of heat. But all his entreaties could not procure him a larger allowance of wood, to shorten and dispatch him." Thus far the letter.

How diabolical a religion must that be, which thus divests men of all the sentiments of humanity and compassion, and hardens them against all the miseries and sufferings of their fellow creatures! For as Dr. Geddes observes,\* "That the reader may not think, that this inhuman joy is the effect of a natural cruelty that is in these people's disposition, and not of the spirit of their religion, he may rest assured, that all public malefactors besides heretics, have their violent deaths no where more tenderly lamented, than amongst the same people, and even when there is nothing in the manner of their deaths that appears inhuman or cruel."

<sup>a</sup> Param. 1. 2. t. 3. cap. 10.

\* Ibid. p. 460.

The inquisition uses a green cross, that it may be more conveniently distinguished from those crosses of other colours, which are used by the Christian commonwealth; and especially that it may be shadowed out, that all things usually signified by greenness belong to the inquisition. For instance, greenness denotes stability and eternity; it is a grateful, pleasant, and attractive colour to the eyes, and finally, is a sign of victory and triumph. Hereby is shadowed forth, that "the inquisitors of heretical pravity vigilantly preserve the stability of the church, and that heretics are attracted by the green cross, so that they cannot escape the judgment of this tribunal, and by beholding it, are brought to the tender bosom of mother church, and drawn to repentance and the sincerity of the faith."

The banner of the inquisition hath a green cross in a field sable, adorned on the right hand with a branch of green olive, and brandishing on the left a drawn sword, with this motto round about the scutcheon, "Exsurge Domine, et judica causam tuam." "Arise, O Lord, and judge thy cause."<sup>a</sup> The branch of green olive denotes the same as the green cross. But the branch of olive is on the right hand of the cross, and the sword on the left, to shew that in the inquisition mercy is mixed with justice;<sup>b</sup> and the meaning of this mixture they derive from the ark of the tabernacle, in which, together with the tables, there was the rod and the manna, the rod of severity, and the manna of sweetness; as though the rod of Aaron which blossomed, was the rod with which judges command criminals to be whipped. The branch of olive at the right hand signifies, that nothing ought to be so strictly regarded by the inquisitors as mercy and clemency, which the olive most wonderfully shadows forth, which hath branches always green, and which endures storms much longer than any other trees, and if buried under water, is not so soon destroyed, nor doth so easily lose its verdure. The drawn sword brandishing on the left, points out, that the inquisitors, after having tried in vain all methods of mercy, do then as it were unwillingly come to the use and drawing of the sword, which was given by God

<sup>a</sup> Psalm lxxiii.

for the punishment of offenders. The field of sable, in the midst of which the green cross is placed, intimates the repentance of the criminals, and the sorrow they conceive on account of their sins, which however the green mitigates with the hope of pardon.

The motto round the scutcheon, "Exsurge Domine, &c." marks out, that the inquisitors, in expectation of the coming of the Lord, do in the mean while punish the wicked, that they may deter others, and defend the good.

But besides these things, there are other differences between the celebration of an act of faith in India and Spain. Gonsalvius tells us,<sup>a</sup> this solemn procession began in this manner at Seville. "In the first place went some school-boys, brought out of a certain college in which boys were taught, which they commonly call the House of Teaching, who strike an awe upon others by their habit, singing, and order, in which they are kept by certain clergymen clothed in surplices. They walk along singing the litanies of the saints, repeating them alternately, the chorus alternately answering, "Ora pro nobis." After these follow the prisoners themselves, commonly called Penitentials, disposed as it were into several classes in this order. Next after the children walk those who are convicted of lesser faults. The tokens of their guilt are usually unlighted candles, halters about their necks, wooden bits, and paper mitres. They walk with their heads uncovered, that the mitre may not be concealed, and after the manner of slaves without their cloak. Those who excel others in birth, or riches, follow after those who are meaner. Next to these march those who are clothed with the Sambenitos, or military mantles, marked across with the red cross, the same order being observed as above, according to the distinction of the persons. Those who are defiled in holy orders, as they are superior in dignity, so also are they in their place or rank in the procession. After these comes the third and last class, viz. of those who are appointed for the fire. Every prisoner is attended by two armed familiars for his safe custody, one on each side of him, besides which, those who are to die above two monks or thea-



tins, as they call them, walking by them. The whole council of the city, consisting of the Alguazils, jurors, the judges of twenty-four degrees, the great officers of the court, the regent and viceroy himself, or his deputy, who are followed by a great number of nobility on horseback, immediately follow the classes of the prisoners, who, according to the custom of a triumph, ought certainly to march first. After these comes the ecclesiastical order, the clergy, benificed persons, and curates walking first. Next after them walk the whole chapter of the principal church, which they commonly call the Cabild of the greater church. Then the abbots and priors of the monk's orders, with their attendants. All these walk before the holy tribunal to do honour to it, because, on that day, it openly triumphs. Between these and the next after there is a space left empty, in which the fiscal of the inquisition, who hath had no small share in gaining that victory to the holy tribunal, walks as standard-bearer in truly military pomp, displaying and opening the standard made of red damask silk. This standard is most curiously embroidered, having on one side of it the arms of that pope who granted the inquisition, with his name written at large, and on the other those of king Ferdinand, who first brought it into Spain. Every thing in it is wrought with silk, gold, and purple. Upon the very point of this banner is fastened a silver crucifix washed over with gold of great value, to which the superstitious multitude pay a peculiar veneration, for this reason only, because it belongs to the inquisition. At length come the fathers of the faith themselves, with a slow pace, and profound gravity, truly triumphing, as becomes the principal generals of that victory. After them come all the familiars of the holy inquisition on horseback. Then an innumerable company of the common people and mob, without any order or character. In this pomp they march from the jail of the inquisition to the high and magnificent scaffold, which is built of wood, in the noblest and most capacious street of the city, for shewing the penitents to public view, and for hearing their sentences. On this scaffold they make them sit in the same order as they marched. There is also another scaffold almost as large as the former, over against



it, in which is erected the tribunal of the lords inquisitors, where they sit in their inquisitorial, and almost divine majesty, attended with all that grandeur in which they came."

The king, if present, the queen and the whole court, and also the legates, and all the nobility of Spain, generally honour this solemnity with their presence.<sup>a</sup> The seat of the inquisitor general is like a tribunal, raised above the kings. When all are seated in their places, they begin with celebrating mass; but when the priest who officiates, is come to about the middle of the service, he leaves the altar, and goes back to his proper place. Then the supreme inquisitor comes down from the scaffold, robed in all his ornaments, and making his reverences before the altar, ascends by several steps to the king, attended by some of the officers of the inquisition, who carry the crucifix and gospels, and the book in which is contained the oath, by which the king obliges himself to protect the Catholic faith, to the extirpation of heresies, and the defence of the inquisition. The king standing bare-headed, having on one side of him the constable of Castile, or one of the grandees of Spain, who holds up the sword of state, swears that he will keep the oath, which is publicly read over to him, by one of the members of the royal council; and remains in the same posture, till the supreme inquisitor goes back to his place. After this one of the secretaries of the inquisition goes into a desk, reads over the like oath, and takes it from the council, and the whole assembly. Then all the several sentences are read over, and the solemnity sometimes lasts till nine o'clock in the evening.

In Rome<sup>b</sup> and throughout all Italy, as far as I could gather

<sup>a</sup> Memor. Aulæ Hisp. p. 2. page 53.

<sup>b</sup> About the time of Midsummer in the yeare 1581, one Richard Atkins, a Hartfordshire man, came to Rome, and having found the English colledge he knocked at the doore, when as divers of the students came to welcome him, knowing that he was an Englishman. Among other talke they willed him to go to the hospital, and there to receive his meat and lodging, according as the order was appointed, whereto he answered, "I come not, my countrymen, to any such intent as you judge, but I come lovingly to rebuke the great disorder of your lives, which I greave to hear and pittie to beholde; I come likewise to let your proud antichrist understand, that he doth offend the heavenly Majesty, robbe God of his honour, and poysoneth the whole

from any authors, they do not observe such solemn processions in acts of faith, or in the sermons concerning the faith. But in what manner the sentences are there pronounced, and how they are executed, may, in some measure, be gathered from the two following accounts.

world with his abominable blasphemies, making them homage stocks and stones, and that filthy sacrament, which is nothing else but a foolish idol." When they heard these words, one Hugh Griffin, a Welshman, and a student in the colledge, caused him to be put in the inquisition. (Having been liberated, he afterward endeavoured to throw the host out of the priest's hands, that the people might see what they worshipped, and this he again attempted to do at St. Peter's church, which so incensed the people that he got severely beat and nearly killed,) being carried to the prison, he was asked, Wherefore he committed such an heinous offence? Whereto he answered, "that he came purposely for that intent, to rebuke the pope's wickedness and theyr idolatrie;" upon this he was condemned to be burnt, which sentence, he sayde, he was right willing to suffer, and the rather because the sum of his offence pertayned to the glory of God. Within a while after he was set upon an ass without any saddle, he being from the middle upwarde naked, having some English priests with him, who talked to him, but he regarded them not, but spake to the people in so good language as he could, and tolde them they were in a wrong way, and therefore willed them for Christe's cause to have regard to the saving of theyre soules. All the way he went there were foure did nothing else but thrust against his naked body burning torches, whereat he neither mooved nor shrnke one jote, but with cheerefull countenance laboured still to perswade the people, often bending his body to meete the torches as they were thrust at him, and would take them in his own hand, and hold them burning styll upon his body, whereat the people not a little wondered. Thus he continued almost the space of halfe a mile, tyll he came before St. Peter's, where the place of execution was. When he was come to the place of execution, there they had made a devise, not to make the fire about him, but to burne his legges first, which they did, he not dismayng any whit, but suffered all mervailous cheerfullie, which mooved the people to such a quandary, as was not in Rome many a day. Then they offered him a crosse, and willed him to embrace it in token that he died a christian; but he put it away with his hand, telling them that they were evyll men to trouble him with paltrie when he was preparing himselfe to God, whome he behelde in majesty and mercie, readie to receive him into the eternall rest. They seeing him styll in that minde, departed saying, "Let us goe and leave him to the devill whome he serves." Thus ended this faithfull soldier and martir of Christe, who is no doubt in glory with his Maister, whereto God graunt us all to come! Amen.—The English Romaine Life, written by A. M. sometime the pope's scholler in the seminarie among them. 1590.

Bzovius tells us,<sup>a</sup> that in the year 1498, there were discovered 230 Moors, who had abjured the Christian faith, after their expulsion from Spain. After they had wandered about, they came to Rome, where they were known, informed against, thrown into jail, and at length being recovered to the same faith, were thus admitted into the church by pope Alexander. On Sunday, July 29, as J. Bruchard writes, who saw it, an high and large scaffold was built before the portico of the great church of St. Peter's at Rome, between that and another portico, which is above the steps of the ascent to the said church. Upon this scaffold was placed the 230 Moors to be reconciled. All these persons being sat down on the floor of the scaffold, in their usual habit, and the most reverend fathers and lords, the lord Peter, Archbishop of Reggio, governor of the city, John of Carthagen, ambassador of the most serene the King and Queen of Spain, Octavianus, bishop of Marona, referendary of our holy lord the Pope, Dominicus Jacobatius, and James Dragatius, auditors of the causes of the holy apostolic palace, Master Paul of Moneglia, in the country of Genoua, a predicant, master of the sacred palace, and master John of Malcone, of the order of Minors, doctors of divinity, penitentiaries of our aforesaid lord the pope, in the said church, for the Spanish nation, being seated as above, in their proper places, and in their ordinary habit; a certain master in divinity, a predicant, made a sermon concerning the faith, in the vulgar Italian, and against the said Moors, who were all of the Spanish nation, and of whom one was a professed of the order of St. Francis, whose habit he publicly wore, whom, and all the aforesaid persons, he accused of all their errors, which he knew concerning the faith, and reproved and instructed.—After the sermon was ended, the Moors asked pardon, and desired absolution. Then the master of the holy palace admonished them in Latin faithfully to believe, and to live well, and put them in mind of the penance which they had deserved; which admonition he expounded to them in Spanish. After this, as they were on their knees, this penance was enjoined



them; that they should walk two and two to the church of St. Peter, and there pray, in that habit which should be enjoined them for this purpose; and in the same order should also go to the church of the convent of St. Mary *supra Miner-vam*, where they should put off their habit, and every one freely return to his own place. When they had received this habit and penance, the aforesaid masters Paul and John, absolved them all, who, after absolution, went to the two churches aforesaid, the pope seeing the whole ceremony in the new rooms, and granted them his blessing. The habit which these Moors were enjoined to wear, was of this form. Upon their ordinary garments there was a red or purple cloath, hanging over their shoulders upon their breasts and backs, quite down to their hips, having on it a yellow cross four fingers wide, and of the same length with the cloath itself. Every one of them went to the altar of the aforesaid church of St. Mary *ad Miner-vam*, and there laid down the aforesaid cloath, which the friars received, and hung up on high in the church, to preserve the memory of that affair.

Peter of Aranda, bishop of Calahorra,<sup>a</sup> master of the house of his holiness our lord the pope, was kept in jail, being defamed for Mahometanism and heresy. Alexander the pope committed the hearing and legal determination of his cause, to Peter, arch-bishop of Regio, governor of the city, Peter of Venance, bishop of Cesena, auditor general of the court of the causes of the apostolic chamber, and Egardus Durca, bishop of Sleswick, one of the said auditors of the causes of the sacred apostolic chamber. When they had examined several witnesses on behalf of the fiscal, and one hundred and one on the behalf of Aranda, who all of them deposed, either in part or in whole, against the said Aranda, after the process was duly carried on against him, at length the said lords commissaries did, on Wednesday, Sept. 14, report the process and depositions of the witnesses to our holy lord the pope, in a private consistory.—Alexander, when he understood the affair, by the advice of the most reverend lords the cardinals, deprived Aranda of the

<sup>a</sup> Bzovius, A. D. 1498. sect. 32. fin.



episcopal dignity, and of all his benefices and offices, and deposed and degraded him from all his orders; and being thus deprived, deposed, and degraded, he was at last thrown into jail in the castle of St. Angelo. *Brucardus in diariis hujus anni.*

How the solemnity of a general sermon, or act of faith, was formerly observed, plainly appears from the book of sentences of the Tholouse inquisition. The people being called together into the church, and after the preaching the sermon concerning the faith, the act commenced by an oath, which the inquisitors gave to the civil magistrates, by which they promised their assistance to discover and apprehend heretics, and to accuse and denounce them to the inquisitors; and finally conclude, "And in these and all other things which belong to the office of the inquisition, or will be obedient to God, and the church of Rome, and the inquisitors." This oath, as appears by comparing the several sermons together, was afterwards somewhat enlarged, that the magistrates might not have the least pretence for conniving at heresy.

After this oath, the sentence of excommunication was pronounced against such as should hinder the office of the inquisition, by which all were put under excommunication, "Who have knowingly hindered the office of the inquisition, or for the future shall hinder it by any means, directly or indirectly, openly or secretly, either by concealing the truth themselves, or revoking what they have legally confessed, or by unlawfully persuading others to conceal or revoke it; and also whosoever shall directly or indirectly, openly or privately, knowingly grant counsel, assistance, or favour hereto." Thus runs the first form of excommunication in the second sermon in the book of sentences, which was in others differently enlarged, that no person, ever so slightly suspected, might escape the hands of the inquisitors, and that the magistrate might have no possible way of throwing any hindrance to the inquisitors in their holy office.

After this follows the act of the inquisition, and that the tribunal may appear somewhat merciful and kind, they usually began the act with pardoning or mitigating the punishment to

some few persons, condemning at the same time a great many to the same or heavier punishments. From some they took their crosses, and enjoined them some arbitrary penance. Others were brought out of jail, and had crosses put on them, which was a lesser punishment. When these favours were bestowed, the sentences were read over, by which penances were enjoined the criminals.

The first sentences were those of the cross-bearers, who were enjoined to wear crosses on their breast and back, and if their crimes were very heinous, they were condemned to wear two. If it happened that their faults were slight, they were enjoined arbitrary penance without crosses. An instance of which we have, fol. 81. Then follow the sentences of those who were to be immured, who were condemned to perpetual imprisonment, there to do wholesome penance with the bread of grief, and water of affliction. If the offences of any such were very grievous, they were more closely and straitly confined, and put in irons.

Then follow the sentences of the impenitent and relapsed, who are delivered over to the secular court; then the sentences against the dead, and against the houses in which any persons have committed heresy, and, finally, against the fugitives.—When the sentence is pronounced, the gospels are placed before the inquisitors, as though nothing was decided without taking counsel from God. This their usual form, which generally occurs in the sentences, plainly shews. “Having God before our eyes, and the purity of the orthodox faith, and having these holy gospels placed before us, that our sentence may come from the face of God, and our eyes may behold equity.”

The whole act being finished,<sup>a</sup> the inquisitor performed three things. First, he granted forty day's indulgencies to all who were present at church, at the aforesaid acts of faith. Secondly, he proclaimed publicly, that all who had given counsel, assistance, or favours, towards any one's abjuring heresy, and returning to the unity of the church, viz. all such as inform,

<sup>a</sup> Eymer. p. 3. n. 195.

bear witness, advise, read the crimes, abjuration, and sentence, and the officers who keep them in custody, shall obtain three years' indulgencies from the pope. Thirdly, he notifies to all, that whosoever knows any heretic, or person defamed or suspected of heresy, and shall denounce him to the inquisitors, shall also obtain from the pope three years' indulgencies. And this concludes the whole act, and was formerly the manner of holding a sermon of the faith.

Now let us see all things are put in execution at this time in Spain and Portugal, after the act of faith.

Criminals penitent and reconciled,<sup>a</sup> and brought out in public procession, are carried back to their former jails in the holy office, the same day in which the sentences are pronounced against them, and the day following are brought to an audience of the inquisitors, and are admonished of those things which are enjoined them by their sentences, and how grievously they will be punished, unless they humbly do the penances assigned them. After this, they send every one to the place to which his sentence ordered him. Those who are condemned to the gallies, are sent to the jails of the secular judges. Some are whipped through the principal streets of the city, and sometimes receive two hundred lashes. Others wear the infamous Sambenito, some every day, others must appear in them only Sundays and holydays. But in these things every one observes the custom of his own inquisition. In the inquisition at Goa this is the method. Before the prisoners are dismissed, they are carried from jail to some other house, where they are every day instructed in the doctrines and rites of the church of Rome; and when they are dismissed, every one hath a writing given him, containing the penances enjoined them; to which is added a command, that every one shall exactly keep secret every thing he hath seen, said, or heard, and all the transactions relating to him, whether at the table, or in other places of the holy office. And to this secrecy every prisoner binds himself by a solemn oath.

The day after this solemnity also, the effigies of those con-

<sup>a</sup> Direct. p. 3. n. 164. com. 40.



demned to death, painted to the life, are carried to the Dominican's church, and there hung up to be viewed by all. The custom in this matter is described by Ludovicus a Paramo:<sup>a</sup>—  
 “There is another monument of infamy, which, though vulgarly called by the Spaniards, Sambenito, yet it is not a garment, but a cloth affixed to the walls of the churches, for perpetual infamy, in the parishes where they lived. On this cloth is written the name and surname of the criminal, and the business he carried on is also expressed. If he discovers any farther, they add another little piece to the cloth, to prevent doubt, describing his country, and oftentimes also the parents and grandfathers of the condemned person.

“In some of these cloths may be read, who were the parents of the criminals, of what race they were, whether they were married, or if married women, whose wives they were, whether lately recovered to the Christian religion from the Jewish law and Mahometan sect. Finally, the cause of their penance is declared according to the nature of their crime, viz. that he was an arch-heretic, a dogmatist, a declared heretic, an heretical apostate, a feigned penitent, negative and obstinate, an impenitent and relapsed heretic, a Lutheran, Anabaptist, Calvinist, Martianist heretic, even though they died before condemnation. Besides this inscription, there is also painted the mark which is usually put on living penitents, as is above explained. In the ancient cloths, which have not yet been repaired, one may see an upright cross. Besides these already mentioned, other things may be seen in them; for in some the person and crime is omitted, and this word only written without the picture, *Combustus*, “burnt.” On the cloths of such as are reconciled, this word only, without any cross or mark, *Reconciliatus*, “reconciled.” Sometimes the date of the year is wanting. Sometimes the flames are painted without any inscription, so that the criminal cannot possibly be known. Some cloths are to be seen, from the ends of which the threads hang out, in which probably there is nothing remarkable, and which seem to be made of the very end of the piece. The cause of



so great a variety in these cloths seems to be this, that formerly the fathers of the holy inquisition, did not publish constitutions concerning all these matters, as they have now done. For after that the instructions of the inquisitors were printed at Madrid, there is extant a peculiar constitution, in which the manner of fixing up, and keeping in repair, these cloths of infamy is prescribed. It is decreed in this manner:<sup>a</sup>—“ It is known, that the monuments of infamy of condemned persons, both living, whether present or absent, or dead, must be hung up on the walls of the churches of the parishes where they lived; and that whether they are imprisoned, or deceased, or fled. It is the same as to reconciled persons, after having performed the penances enjoined them, and the taking off their habits, even although they were clothed in them only for the procession at the act of faith, and whilst their sentences were read over.’ This is inviolably observed, and no one hath power, to make any alteration herein; but it is always recommended to the inquisitors, that they should take diligent care to repair these effigies, especially in the provinces which they visit, that the infamy of heretics and their posterity may never be forgotten, The time also of condemnation must be written on these cloths, and it must be particularly specified, whether they offended as jews, Saracens, Lutherans, and embraced the heresies of their followers and impious persons. However, these monuments of infamy and disgrace are not to be fixed up to render those infamous, who are reconciled during the time of indulgence and grace. For as it was agreed with them, that they should not wear such infamous habits, nor be clothed with them during the time of their reconciliation, it would be contrary to reason and justice to hang them up; because it would be wholly to destroy the favour granted them. This constitution is observed in all the kingdoms and dominions of the king of Spain, except in Sicily; where, in the year 1543, when the licentiate Cervera was inquisitor there, there was a very great commotion at Palermo, when the people rose against the inquisition, and tore off the infamous cloths from the walls of the

church dedicated to St. Dominic, with a great fury and rage, that they could never, to this day, fix them up again upon the walls either of that, or any other church."



## CHAP. XLII.

### *Memoirs of Persons who have suffered the TERRORS of INQUISITORIAL PERSECUTION.*

THE preceding pages have exhibited the inquisition in its rise and successful establishment, in various nations of the world, in its officers and laws, in the actions which it presumes to scrutinize, and in its mode of executing judgment.

That it is founded upon principles which affect the very vitals of society, is demonstrated, since its avowed design is that of placing a constraint upon the mind, in whose freedom (the first of human rights) all that is praiseworthy and beneficial, in arts, in manners, or in compact, must reside. That the inquisition, in pursuing this despotic object, has displayed a character of hard-hearted and deliberate cruelty, which is without a parallel, its history declares. And that it has perpetuated ignorance, its legitimate object in the midst of surrounding light, to a degree which is almost incredible, the annals of those nations in which it has existed have incontestibly established. Viewed in whatever direction, it must be regarded by the enlightened mind, as a court violating every principle of rectitude and justice, committing, under a hallowed title, the most flagrant outrages, inflicting torments and death in their most embittered and repulsive forms.

To embody, indeed, its character, would be to combine in one, all the base qualities which disgrace humanity; nor is there any open violence, or cunning treachery, or unrelenting cruelty, which this climax of all abominations, does not commend, sanction, or employ, in the accomplishment of its purposes. It absolves kings from their oaths and promises, subjects from their allegiance; the husband and wife from the

performance of their united vows, the parent from paternal duty, the child from filial affection; and thus throughout all human ties, which it bursts asunder, requiring each to accuse either, whenever any shall appear to depart from the dictatorial rules it has from time to time imposed. Never, in any case, withdrawing its iron hand, until it has produced, in the champion of truth, a martyr, or in the intimidated enquirer, a hypocrite.

In countries where the inquisition has existed, the bare idea of its progress damped the most ardent mind: and an accurate notion of its terrors may be formed, as a single instance from the case of the justly celebrated Galileo,<sup>a</sup> whom it compelled to renounce and falsify an astronomical doctrine, which had received the assent and support of his enlightened understanding.

Formidable and ferocious as the rapacious tiger, who from the gloomy thicket surveys his unsuspecting prey, until the favoured moment arrives, in which he may plunge forward and consummate its destruction, the inquisition meditates in secret and in silence its horrific projects. In the deepest seclusion the calumniator propounds his charge, with anxious vigilance the creatures of its power regard its unhappy victim. Not a whisper is heard, or the least hint of insecurity given, until at the dead of night a band of savage monsters surround the dwelling, they demand an entrance; upon the enquiry, by whom is this required? the answer is, "The holy office." In an instant all the ties of nature appear as if dissolved, and either through the complete dominion of superstition, or the conviction that resistance would be vain, the master, parent, husband, is resigned. Torn from the bosom of his family, and bereft of all domestic comforts, he enters the inquisition house, its ponderous doors are closed, and hope excluded,—perhaps for ever.—Immured in a noisome vault, surrounded by impenetrable walls, he is left alone, a prey to all the sad reflections of a miserable outcast. If he ventures to enquire the reason of his fate, he is told, that silence and secrecy are here inviolable.

<sup>a</sup> Vide p. 429.

Accustomed to the conveniences of social life, and perhaps to the conveniences of a superior station, he is now reduced to the most miserable expedients, and compelled to receive those slender apologies for his usual comforts, which his enemies think proper to afford. The most menial offices of a domestic now devolve upon him, whilst the cruel reflection obtrudes itself upon his mind, that his family may, ere long, be reduced to indigence, by an act of inquisitorial confiscation.

Habituated in his daily recreation, to behold the beauties of nature and the face of man, his prospects now are bounded by the bare walls of his narrow cell, and he never sees a human countenance except that of those who are endeavouring to accomplish his destruction.

At certain periods, his jailor takes him to the hall of audience, where sets the judge, whom a hateful bigotry has empowered to arraign the human intellect. He is asked, if he knows, or can divine the cause of his arrest; he declares that he is wholly unacquainted with it, and upon wishing to be informed is dismissed with an exhortation to search the secrets of his heart, and to be ready to disclose them to his judge, at the succeeding interview. He is remanded to his dreary dungeon, and again brought out; conscious of his innocence he again protests it. His judge is full of mysterious words, which he leaves his wretched prisoner to construe, if so unwary, and then commits him to his former custody. Thus he is led forth, and brought back at distant intervals, but in all finds no relief; for whilst he continues to speak truth, he may not hope for mercy.

For weeks, and months, and years, his whole employment is to wish the lingering hours away, and pore upon his most revolting misery. His vigorous frame is worn down by constant and unvaried suffering; and the assiduous mind, denied the means of exercise,<sup>a</sup> and partaking the decay, is almost ready to renounce that noble fortitude, which disarms the oppressor of his power, and gives a dignity to suffering. At length his

<sup>a</sup> Prisoners are forbid the use of books, and are exhorted to study the book of their heart, that they may confess their sins, and find mercy.



judge affects to be wearied by his apparent obstinacy, in continuing to assert his innocence, and condemns him to the torture. Removed to a subterranean apartment, feebly lighted, he is surrounded by a number of beings, in human form and muffled garments, who seize on him, and by cords and bracelets placed around his limbs, extend his emaciated frame with a savage ferocity at which the barbarian might recoil.

Whilst this torment is administered, the merciful inquisitor stands by, continually urging his confession, as the only method whereby he can obtain deliverance, and asserting, that should he die, he is guilty of self-murder. What can he do—accustomed through life to probity he now more than ever, in the prospect of death, fears falsehood—he persists in innocence. One mode of torture is now exchanged for another, with horrid ingenuity, whilst a surgeon is at hand to count the declining pulse, and ascertain what further means of agony can be employed without endangering life. He endures the whole, and is yet alive. He is taken to his cell, and placed upon his uneasy couch; here under the acute pain of his dislocated body, he abandons himself to despair, and earnestly longs for the approach of death. But the same harsh hand which ordained his torture, with unwelcome assiduity endeavours to prolong existence; his wounds are attended to, and after a while, from a temporary relaxation of severity, his strength is in some degree restored. He hears much of mercy, but finds none. And he is at length led forth in the retinue of inquisitorial triumph, as a guilty criminal, clothed in garments of infamy. Here, for the first time, he is allowed the company of his fellow sufferers; but should any attempt to speak their wrongs, a wooden gag prevents the power of utterance. An ignorant monk declares the accusations and sentences of the holy office. The stakes are in readiness, the final victory of bigotted intolerance draws on, and this merciful tribunal, so to abuse the word, delivers the objects of its hatred to be burned alive! The horrors of such approaching anguish operate forcibly upon the minds of some of the unhappy sufferers, and they loudly cry, with bitter tears and frantic gestures, Pity!—Pity!—Pity!—for the love of God!—but pity is not here, and nothing can by any means,

prevent the execution of the final sentence of this most holy office !

Such is the inquisition ! nor can any doubt the prudence of that line of policy which it has adopted, in enjoining secrecy on those who know, and silence on those who would enquire its conduct.

Of the millions which the inquisition has immolated during the last six hundred years, few and imperfect are the traces which remain, partly from the lapse of time, and partly from that veil of obscurity, which the inquisitors have been ever anxious to preserve inviolate. An attempt to trace the retired cruelties of the secret oppressor must prove abortive. It would be easy to point to this city and that province, where the inquisition sacrificed so many victims ; but to describe the wrongs of individuals in bodily suffering, and often in the crush of intellect, or to single out the noble victories of unconquerable minds, must remain for ever unachieved ;—they have slept the sleep of death, and their memorial is gone down with them in silence to the grave.

A few individuals, however, who having escaped with life, and obtained security on a more favoured soil, out of love to their fellow men have become their own historians, some of these speaking in their own words, will strikingly illustrate the spirit and conduct of inquisitorial administration.

*An account of the proceedings of the Court of Inquisition at Lisbon, against Elizabeth Vasconellos, an English woman.*

Elizabeth Vasconellos, now in the city of Lisbon, doth, on the 10th day of December, Anno 1706, in the presence of John Milner, Esq. her majesty's consul-general of Portugal, and Joseph Willcocks, minister of the English factory at Lisbon, declare and testify,

That she was born at Arlington, in the county of Devon, and a daughter of John Chester, Esq. bred up in the church of England ; and in the eleventh year of her age, her uncle, David Morgan, of Cork, intending to go and settle in Jamaica, as a physician, by her father's consent, he having several children, took her with him to provide for her.

In 1685, they went in an English ship, and near the island they were attacked by two Turkish ships; in the fight her uncle was killed, but the ship got clear into Madeira, and she, though left destitute, was entertained by Mr. Bedford, a merchant, with whom, and other English, she lived as a servant till 1696. In that year she was married by the chaplain of an English man of war, to Cordoza de Vasconellos, a physician of that island, and lived with him eight years, and never in the least conformed to the Romish church.

In 1704, her husband being gone on a voyage to Brazil, she fell dangerously ill, and, being light-headed, a priest gave her the sacrament,<sup>a</sup> as she was told afterwards, for she remembered nothing of it. It pleased God she recovered, and then they told her she had changed her religion, and must conform to the Romish church, which she denied, and refused to conform, and thereupon, by the bishop of that island, she was imprisoned nine months, and then sent prisoner to the inquisition at Lisbon, where she arrived the 19th December, 1705. The secretary of the house took her effects, in all above 500 l. sterling, she was then sworn, that that was all she was worth, and then put into a straight dark room, about five feet square, and there kept nine months and fifteen days.

That the first nine days she had only bread and water, and a wet straw bed to lie on. On the ninth day, being examined, she owned herself a protestant, and would so continue; she was told, she had confirmed to the Romish church, and must

<sup>a</sup> It is the spirit that would compass sea and earth to make one proselyte, that renders the Romish religion so dangerous and so detestable. It is the duty of every man who believes his opinions necessary to the happiness of mankind, to disseminate those opinions by all fair means: if the friars therefore would attempt to convert me, I should respect their zeal, though they pestered me with their absurdity; but they tempt in the day of poverty—they terrify on the bed of sickness—they persecute in the hour of death, and if they find a man senseless in his last agonies, they place a candle in his hand, and smuggle him, under false colours, into the kingdom of heaven. An Englishman, who kept a Portuguese mistress, was so tormented by these friars in his last illness, that he died with a loaded pistol in each hand, ready to shoot the first monk that approached him.—Southey's *Letters from Spain*, vol. ii. p. 189.



persist in it or burn, she was then remanded to her room ; and after a month's time brought out again, and persisting in her answer as to her religion, they bound her hands behind her, stripped her back naked, and lashed her with a whip of knotted cords a considerable time, and told her afterwards, that she must kneel down to the court, and give thanks for their merciful usage of her, which she positively refused to do.

After fifteen days she was again brought forth and examined, and a crucifix being set before her, she was commanded to bow down to it and worship it, which she refusing to do, they told her, that she must expect to be condemned to the flames, and be burnt with the Jews, at the next *auto de fe*, which was nigh at hand, upon this she was remanded to her prison again for thirty days, and being then brought out, a red hot iron was got ready, and brought to her in a chaffing dish of burning coals, and her breast being laid open, the executioner, with one end of the red hot iron, which was about the bigness of a large seal, burnt her to the bone in three several places, on the right side, one hard by the other, and then sent her to her prison, without any plaister, or other application, to heal the sores, which were very painful to her.

A month after this she had another severe whipping as before ; and in the beginning of August she was brought before the table, a great number of inquisitors being present, and was questioned, whether she would profess the Romish religion or burn. She replied, she had always been a protestant, and was a subject of the queen of England, who was able to protect her, and she doubted not would do it, were her condition known to the English residing in Lisbon ; but as she knew nothing of that, her resolution was to continue a protestant, though she were to <sup>be</sup> burnt for it. To this they answered, that her being the queen of England's subject signified nothing in the dominions of the king of Portugal ; that the English residing in Lisbon were heretics, and would certainly be damned ; and that it was the mercy of that tribunal to endeavour to rescue her out of the flames of hell, but if her resolution were to burn rather than profess the Romish religion, they would give



her a trial of it before-hand. Accordingly the officers were ordered to seat her in a fixed chair, and to bind her arms and her legs, that she could make no resistance nor motion; and the physician being placed by her, to direct the court how far they might torture her without hazard of life, her left foot was made bare, and an iron slipper red hot, being immediately brought in, her foot was fastened into it, which continued on burning her to the bone, till such time, as by extremity of pain she fainted away, and the physician declaring her life was in danger, they took it off, and ordered her again to her prison.

On the 19th of August she was again brought out, and whipped after a cruel manner, and her back was all over torn, and being threatened with more and greater tortures, and, on the other hand, being promised to be set at liberty if she would subscribe such a paper as they should give her, though she could have undergone death, yet not being able to endure a life of so much misery, she consented to subscribe as they would have her, and accordingly, as she was directed wrote at the bottom of a large paper, which contained, she knew not what; after which they advised her to avoid the company of all English heretics, and not restoring to her any thing of all the plate, goods, or money, she brought in with her, and engaging her by oath, to keep secret all that had been done to her, turned her out of doors, destitute of all relief, but what she received from the help and compassion of charitable Christians.

The above said Elizabeth Vasconellos did solemnly affirm and declare the above written deposition to be true, the day and year above written.

JOHN MILNER,

JOSEPH WILCOCKS.

*Lisbon, Jan. 8, 1707. N. S.*

A Copy examined from the Original, by

J. BLISSE.

*Extracts from a Narrative of the sufferings of John Coustos  
in the Inquisition at Lisbon.*

I AM a native of Berne in Switzerland, and a Lapidary by profession. In 1716, my father came with his whole family to London; and as he proposed to settle in England, he got himself naturalized there.

After living twenty-two years in that city, I went, at the solicitation of a friend, to Paris, in order to work in the galleries of the Louvre. Five years after I left this capital, and removed to Lisbon, in hopes of finding an opportunity of going to Brasil, where I flattered myself that I should make my fortune. But the king of Portugal, whom I addressed in order to obtain permission for this purpose, being informed of my profession, and the skill I might have in diamonds, &c. his majesty, by the advice of his council, refused my petition, upon a supposition that it would be no ways proper to send a foreigner, who was a lapidary, into a country abounding with immense treasures, whose value the government endeavours, by all means possible, to conceal, even from the inhabitants.

Whilst I was waiting for an answer, from court, to my petition, I got acquainted with several substantial jewellers, and other persons of credit, in Lisbon; who made me the kindest and most generous offers, in case I would reside among them, which I accepted, after having lost all hopes of going to Brasil. I now was settled in the above-mentioned city, equally to the satisfaction of my friends, my employers, and myself; having a prospect of gaining wherewithal, not only to support my family with decency, but also to lay up a competency for old age, could I but have escaped the cruel hands of the Inquisitors.

I must observe, by the way, that the inquisitors have usurped so formidable a power in Spain and Portugal, that the monarchs of those kingdoms are no more, if I may be allowed the expression, than as their chief subjects. Those tyrants do not scruple to incroach so far on the privilege of kings, as to stop, by their own authority, at the post-office, the letters of all

whom they take it into their heads to suspect. In this manner I myself was served, a year before the inquisitors had ordered me to be seized; the design of which, I suppose, was to see, whether among the letters of my correspondents, some mention would not be made of free-masonry; I passing for one of the most zealous members of that art, which they resolved to persecute, upon pretence that enormous crimes were committed by its professors. However, though the inquisitors did not find, by one of my intercepted letters, that free-masonry either struck at the Romish religion, or tended to disturb the government; still they were not satisfied, but resolved to set every engine at work, in order to discover the mysteries and secrets of masonry. For this purpose, they concluded that it would be proper to seize one of the chief free-masons in Lisbon; and accordingly I was pitched upon, as being the master of a lodge; they likewise cast their eye on a warden, an intimate friend of mind, Mr. Alexander James Mouton, a diamond-cutter, born in Paris, and a Romanist. He had been settled six years, before his seizure, at Lisbon, in which city he was a house-keeper; and where his integrity, skill and behaviour were such, as gained him the approbation of all to whom he was known. Mr. Mouton will soon settle in London.

The reader is to be informed, that our lodges, in Lisbon, were not kept at taverns, &c. but alternately at the private houses of chosen friends. In these we used to dine together, and practice the secrets of free-masonry.

As we did not know that our art was forbid in Portugal, we were soon discovered by the barbarous zeal of a lady, who declared, at confession, that we were free-masons; that is, in her opinion, monsters in nature, who perpetrated the most shocking crimes. This discovery immediately put the vigilant officers of the Inquisition upon the scent after us; on which occasion my friend Mr. Mouton fell the first victim, he being seized in manner following.

A jeweller and goldsmith, who was a familiar of the holy office, sent a friend, (a free-mason also) to Mr. Mouton; upon pretence that he wanted to speak with him, about mending a diamond weighing four carrats. They agreed upon the price;

but as this was merely an artifice, in order for our familiar to know the person of the said Mouton, he put him off for two days ; upon pretence that he must first enquire of the owner of the diamond, whether he approved of the price settled between them.

I happened to be at that time with Mr. Mouton ; a circumstance which gave the highest joy to the jeweller ; finding that he had got a sight, at one and the same time, of the very two free-masons whom the inquisitors were determined to seize.

At our taking leave, he desired us to come together, at the time appointed, to which we both agreed. The jeweller then made his report to the inquisitors, who ordered him to seize us, when we should return about the diamond in question.

Two days being elapsed, and my business not permitting me to accompany Mr. Mouton, he went alone to the jeweller, to fetch the diamond, which was computed to be worth an hundred moidores. The first question the jeweller asked, after the usual compliments, was, "where is your friend Coustos?"—As this jeweller had before shown me some precious stones, which he pretended I should go to work upon ; Mr. Mouton, imagining he was desirous of putting them instantly into my hands, replied : "that I was upon change ; and that, if he thought proper, he would go and fetch me." However, as this familiar, and five subaltern officers of the Inquisition, who were along with him, were afraid of losing half their prey ; they inveigled Mr. Mouton into the back-shop, upon pretence of asking his opinion concerning certain rough diamonds. After several signs and words had passed between them, the oldest of the company rising up said, he had something particular to communicate to Mr. Mouton ; upon which he took him behind a curtain ; when, enquiring his name and surname, he told him that he was his prisoner, in the king's name.

Being sensible that he had not committed any crime for which he could justly incur his Portugueze majesty's displeasure, he gave up his sword the moment it was demanded of him. Immediately several trusty officers of the Inquisition, called familiars, fell upon him, to prevent his escaping : they



then commanded him not to make the least noise, and began to search him. This being done, and finding he had no weapons, they asked whether he was desirous of knowing in whose name he had been seized? Mr. Mouton answering in the affirmative: “we seize you (said they) in the name of the Inquisition; and, in its name, we forbid you to speak, or murmur ever so little.” Saying these words, a door at the bottom of the jeweller’s shop, and which looked into a narrow by-lane, being opened; the prisoner, accompanied by a commissary of the holy office, was thrown into a small chaise, where he was so closely shut up, (it being noon-day) that no one could see him. This precaution was used to prevent his friends from getting the least information concerning his imprisonment; and consequently from using their endeavours to procure his liberty.

Being come to the prison of the Inquisition, they threw him into a dungeon, and there left him alone; without indulging him the satisfaction they had promised, which was, to let him speak, immediately upon his arrival, to the president of the holy office; to know, from him, the reason of his arrest. On the contrary, they were so cruel to Mr. Mouton’s reputation, as to spread a report he was gone off with the diamond abovementioned. But how greatly were every one of his friends surprised and shocked at this slander! As we all entertained the highest idea of his probity, none of us would give credit to this vile report; whence we unanimously agreed, after duly weighing this matter, to go in a body to the jeweller, who was the owner of the diamond, and offer him the full payment of it; firmly persuaded, that nothing but the most fatal and unexpected accident could have made him disappear thus suddenly, without giving some of his friends notice of it. However, the jeweller refused our offer in the politest manner; assuring us at the same time, that the owner of the diamond was so wealthy a man, that the loss of it would be but a trifle to him.

But as truth frequently breaks through all the veils with which falsehood endeavours to cloud her; this generosity in persons to whom we were, in a great measure, strangers, made us suspect some iniquitous, dark act. Our conjecture appeared but too well grounded, from the severe persecution that was

immediately raised against the free-masons ; I myself being seized four days after.'

I perhaps should have escaped their merciless paws, had I not been betrayed, in the most barbarous manner, by a Portuguese friend of mine, as I falsely supposed him to be ; and whom the holy office had ordered to watch me narrowly. This man seeing me in a coffee-house, the 5th of Marth 1742-3, between nine and ten at night ; went and gave notice thereof to nine officers of the Inquisition, who were lying in wait for me, with a chaise, near that place.

I was in the utmost confusion, when, at my going out of the coffee-house with two friend, the above officers seized me only. Their pretence for this was, that I had passed my word for the diamond which Mr. Mouton had run away with : that I must certainly be his accomplice, since I had engaged my friends to offer to pay for the diamond ; all which (added they) I must have done in no other view than to conceal my villany. It was to no purpose that I alledged a thousand things in my own justification. Immediately the wretches took away my sword ; hand-cuffed me ; forced me into a chaise, drawn by two mules ; and in this condition, I was hurried away to the prison of the Inquisition.

But, spite of these severities, and their commanding me not to open my lips, I yet called aloud to one of my friends (Mr. Richard) who had been at the coffee-house with me, and was a free-mason ; conjuring him to give notice to all the rest of our brethren and friends, of my being seized by command of the holy office, in order that they might avoid the misfortune which had befallen me, by going voluntarily to the inquisitors, and accusing themselves.

I must take notice, that the inquisitors very seldom cause a person to be seized in broad-day light, except they are almost sure that he will make no noise nor resistance. This is a circumstance they observe very strictly, as is evident from the manner in which they took Mr. Mouton. Farther, they frequently make use of the king's name and authority on these occasions, to seize and disarm the pretended criminals, who is afraid to disobey the orders he hears pronounced. But as

darkness befriends deeds of villany, the inquisitors, for this reason, usually cause their victims to be secured in the night.

The Portugeeze, and many foreigners, are so apprehensive of the sinister accidents which often happen at Lisbon in the night-time, especially to a person who ventures out alone, that few are found in the streets of this city at a late hour.

I imagined myself so secure in the company of my friends, that I should not have been afraid of resisting the officers in question, had the former lent me their assistance. But unhappily for me, they were struck with such a sudden panic, that every one of them fled; leaving me to the mercy of nine wretches, who fell upon me in an instant.

They then forced me to the prison of the Inquisition, where I was delivered up to one of the officers of this pretended holy place. This officer presently calling four subalterns or guards, these took me to an apartment, till such time as notice should be given to the president of my being caught in their snare.

A little after, the abovementioned officer coming again, bid the guards search me; and take away all the gold, silver, papers, knives, scissars, buckles, &c. I might have about me. They then led me to a lonely dungeon, expressly forbidding me to speak loud, or knock at the walls; but that, in case I wanted any thing, to beat against the door, with a padlock, that hung on the outward door, and which I could reach, by thrusting my arm through the iron grates. It was then that, struck with all the horrors of a place, of which I had heard and read such baleful descriptions, I plunged at once into the blackest melancholy, especially when I reflected on the dire consequences with which my confinement might very possibly be attended.

I passed a whole day and two nights in these terrors, which are the more difficult to describe, as they were heightened at every little interval, by the complaints, the dismal cries, and hollow groans (echoing through this dreadful mansion) of several other prisoners, my neighbours; and which the solemn silence of the night made infinitely more shocking. It was now



that time seemed to have lost all motion, and these threescore hours appeared to me like so many years.

However, afterwards calling to mind, that grief would only aggravate my calamity, I endeavoured to arm my soul with patience; and to habituate myself, as well as I could, to woe. Accordingly I roused my spirits; and banishing for a few moments, these dreadfully-mournful ideas, I began to reflect seriously, on the methods how to extricate myself from this labyrinth of horrors. My consciousness that I had not committed any crime which could justly merit death, would now and then soften my pangs; but immediately after, dreadful thoughts overspread my mind, when I imagined to myself the crying injustice of which the tribunal, that was to judge me, is accused. I considered that, being a protestant, I should inevitably feel, in its utmost rigours, all that rage and barbarous zeal could infuse in the breast of monks; who cruelly gloried, in committing to the flames, great numbers of ill-fated victims, whose only crime was their differing from them in religious opinions; or rather who were obnoxious to those tygers, merely because they thought worthily of human nature; and had, in the utmost detestation, these Romish barbarities, which are not to be paralleled in any other religion.

In a few days, after having been shaved, and had my hair cut by their order, I was led, bareheaded, to the president and four inquisitors, who, upon my coming in, bid me kneel down, lay my right-hand on the bible, and swear, in the presence of Almighty God, that I would speak truly with regard to all the questions they should ask me. These questions were; my christian and surnames, those of my parents; the place of my birth, my profession, religion; and how long I had resided in Lisbon. This being done, they addressed me as follows:—"Son, you have offended and spoke injuriously of the holy office, as we know from very good hands; for which reason we exhort you to make a confession of, and to accuse yourself of the several crimes you may have committed, from the time you was capable of judging between good and evil, to the present moment. In doing this, you will excite the com-



passion of this tribunal, which is ever merciful and kind to those who speak the truth."

It was then they thought proper to inform me, that the diamond mentioned in the former pages, was only a pretence they had employed, in order to get an opportunity of seizing me. I now besought them, "to let me know the true cause of my imprisonment; that, having been born and educated in the Protestant religion, I had been taught, from my infancy, not to confess myself to men, but to God, who, as he only can see into the inmost recesses of the human heart, knows the sincerity or insincerity of the sinner's repentance, who confessed to him; and being his Creator, it was he only could absolve him."

The reader will naturally suppose, that they were noways satisfied with my answer;—"They declaring, that it would be indispensably necessary for me to confess myself, what religion soever I might be of; otherwise, that a confession would be forced from me, by the expedients the holy office employed for that purpose."

To this I replied, "that I had never spoke in my life against the Romish religion; that I had behaved in such a manner, ever since my living at Lisbon, that I could not be justly accused of saying or doing any thing contrary to the laws of the kingdom, either as to spirituals or temporals; that I had always imagined the holy office took cognizance of none but those persons who were guilty of sacrilege, blasphemy, and such like crimes, whose delight is to depreciate and ridicule the mysteries received in the Romish church, but of which I was noways guilty." They then remanded me back to my dungeon, after exhorting me to examine my conscience.

After another audience, they gave orders for my being conveyed into another deep dungeon; the design of which, I suppose, was to terrify me completely; and here I continued seven weeks. It will be naturally supposed, that I now was overwhelmed with grief. I will confess, that I then gave myself up entirely for lost; and had no resource left but in the Almighty, whose aid I implored continually with the utmost fervency.

During my stay in this miserable dungeon, I was taken three times before the inquisitors.

They insisted, upon my revealing to them the secrets of this art.—“The oath (says I) taken by me at my admission, never to divulge them, directly or indirectly, will not permit me to do it; conscience forbids me; and I therefore hope your lordships are too equitable to use compulsion.” They declared, “that my oath was nothing in their presence, and that they would absolve me from it.”—“Your lordships (continued I) are very gracious; but as I am firmly persuaded, that it is not in the power of any being upon earth to free me from my oath, I am firmly determined never to violate it.” This was more than enough to make them remand me back to my dungeon, where, a few days after, I fell sick.

A physician was then sent, who finding me exceedingly ill, made a report thereof to the inquisitors. These, upon their being informed of it, immediately gave orders for my being removed from this frightful dungeon, into another, which admitted some glimmerings of day-light. They appointed, at the same time, another prisoner to look after me during my sickness, which, very happily, was not of long continuance.

After several other interviews and hearings,\*the appointment of an advocate, and the mockery of a trial, in all which he persisted, in refusing to reveal the secrets of free-masonry, Mr. Coustos thus proceeds:

Some time after, the president sent for me again; when, being brought before him, he ordered a paper, containing part of my sentence, to be read: I thereby was doomed to suffer the tortures employed by the holy office, for refusing to tell the truth, (as they falsely affirmed;) for my not discovering the secrets of masonry, with the true tendency and purpose of the meetings of the brethren.

I hereupon was instantly conveyed to the torture-room, built in form of a square tower, where no light appeared, but what two candles gave: and, to prevent the dreadful cries and shocking groans of the unhappy victims, from reaching the ears of the other prisoners, the doors are lined with a sort of quilt.

The reader will naturally suppose that I must be seized with horror, when, at my entering this infernal place, I saw myself, on a sudden, surrounded by six wretches, who, after preparing the tortures, stripped me naked (all to linen drawers;) when, laying me on my back, they began to lay hold of every part of my body. First, they put round my neck an iron collar, which was fastened to the scaffold; they then fixed a ring to each foot; and this being done, they stretched my limbs with all their might. They next wound two ropes round each arm, and two round each thigh, which ropes passed under the scaffold, through holes made for that purpose; and were all drawn tight, at the same time, by four men, upon a signal made for this purpose.

The reader will believe that my pains must be intolerable, when I solemnly declare, that these ropes, which were of the size of one's little finger, pierced through my flesh quite to the bone; making the blood gush out at the eight different places that were thus bound. As I persisted in refusing to discover any more than what has been seen in the interrogatories above, the ropes were thus drawn together four different times. At my side stood a physician and surgeon, who often felt my temples, to judge of the danger I might be in; by which means my tortures were suspended, at intervals, that I might have an opportunity of recovering myself a little.

Whilst I was thus suffering, they were so barbarously unjust as to declare, that, were I to die under the torture, I should be guilty, by my obstinacy, of self-murder. In fine, the last time the ropes were drawn tight, I grew so exceedingly weak, occasioned by the blood's circulation being stopped, and the pains I endured, that I fainted quite away; insomuch that I was carried back to my dungeon, without my once perceiving it.

These barbarians finding that the tortures above described could not extort any farther discovery from me; but that, the more they made me suffer, the more fervently I addressed my supplications, for patience, to heaven; they were so inhuman, six weeks after, as to expose me to another kind of torture, more grievous, if possible, than the former. They made me stretch my arms in such a manner, that the palms of my hands



were turned outward; when, by the help of a rope that fastened them together at the wrist, and which they turned by an engine, they drew them gently nearer to one another behind, in such a manner that the back of each hand touched, and stood exactly parallel one to the other; whereby both my shoulders were dislocated, and a considerable quantity of blood issued from my mouth. This torture was repeated thrice; after which I was again taken to my dungeon, and put into the hands of physicians and surgeons, who, in setting my bones, put me to exquisite pain.

Two months after, being a little recovered, I was again conveyed to the torture-room; and there made to undergo another kind of punishment twice. The reader may judge of its horror, from the following description thereof.

The torturers turned twice round my body, a thick iron chain, which, crossing upon my stomach, terminated afterwards at my wrists. They next set my back against a thick board, at each extremity whereof was a pulley, through which there run a rope, that caught the ends of the chains at my wrists. The tormentors then stretching these ropes, by means of a roller, pressed or bruised my stomach, in proportion as the ropes were drawn tighter. They tortured me, on this occasion, to such a degree, that my wrists and shoulders, were put out of joint.

The surgeons, however, set them presently after; but the barbarians not having yet satiated their cruelty, made me undergo this torture a second time, which I did with fresh pains, though with equal constancy and resolution. I then was remanded back to my dungeon, attended by the surgeons who dressed my bruises; and here I continued till their *auto da fe*, or jail delivery.

The reader may judge, from the faint description, of the dreadful anguish I must have laboured under, the nine different times they put me to the torture. Most of my limbs were put out of joint, and bruised in such a manner, that I was unable, during some weeks, to lift my hand to my mouth; my body being vastly swelled, by the inflammations caused by the frequent dislocations. I have but too much reason to fear,



that I shall feel the said effects of this cruelty so long as I live ; I being seized, from time to time, with thrilling pains, with which I never was afflicted, till I had the misfortune of falling into the merciless and bloody hands of the inquisitors.

The day of the auto da fe being come, I was made to walk in the procession, with the other victims of this tribunal. Being come to St. Dominic's church, my sentence was read, by which, I was condemned to the galley (as it is termed) during four years.

✓ Four days after this procession, I was conveyed to this galley ; and joined, on the morrow, in the painful occupations of my fellow slaves. However, the liberty I had of speaking to my friends, after having been deprived of even the sight of them, during my tedious, wretched abode in the prison of the Inquisition ; the open air I now breathed ; with the satisfaction I felt in being freed from the dreadful apprehensions which always overspread my mind, whenever I reflected on the uncertainty of my fate ; these circumstances united, made me find the toils of the galley much more supportable.

As I had suffered greatly in my body, by the tortures inflicted on me in the prison of the Inquisition, of which the reader has seen a very imperfect, though faithful narrative, in the foregoing pages ; I was quite unfit to go about the painful labour that was immediately allotted me, viz. the carrying water (an hundred pounds weight) to the prisons of the city. But the fears I was under, of being exposed to the inhumanity of the guards or overseers who accompany the galley-slaves, caused me to exert myself so far beyond my strength, that, twelve days after, I fell grievously sick. I then was sent to the infirmary, where I continued two months. During my abode in this place, I was often visited by the Irish friars belonging to the convent of Corpo Santo, who offered to get my release, provided I would turn Roman Catholic. I assured them, that all their endeavours would be fruitless ; I expecting my enlargement from the Almighty alone, who, if he, in his profound wisdom thought proper, would point out other expedients for my obtaining it, than my becoming an apostate. Being unable, after this, to go through the toils to which I had

been sentenced, I was excused, by my amply rewarding the overseers. It was now that I had full leisure, to reflect seriously on the means of obtaining my liberty; and, for this purpose, desired a friend to write to my brother-in-law, Mr. Barbu, to inform him of my deplorable state; and to intreat him, humbly to address the Earl of Harrington in my favour: my brother-in-law having the honour to live in his lordship's family. This nobleman, whose humanity and generosity have been the theme of infinitely abler pens than mine, was so good as to declare, that he would endeavour to procure my freedom. Accordingly, his lordship spoke to his grace the Duke of Newcastle, one of the principal secretaries of state; in order to supplicate for leave, from our sovereign, that his minister at Lisbon, might demand me, as a subject of Great Britain.

His majesty, ever attentive to the felicity of his subjects, and desirous of relieving them in all their misfortunes, was so gracious as to interpose in my favour. Accordingly his commands being dispatched to Mr. Compton, the British minister at Lisbon; that gentleman demanded my liberty of the king of Portugal, in his Britannic majesty's name; which accordingly I obtained the latter end of October 1744. The person who came and freed me from the galley, by order of the inquisitors, took me before them. The president then told me, that cardinal de Cunha had given orders for my being released. At the same time, he bid me return to the holy office in three or four days.

I could perceive, during this interval, that I was followed by the spies of the Inquisition, who kept a watchful eye over my behaviour, and the places I frequented. I waited upon our envoy, as likewise upon our consul, whom I informed of the commands which had been laid upon me at the Inquisition; and those gentlemen advised me to obey them. They cautioned me, however, to take a friend with me, in order that he might give them notice, in case I should be seized again. I accordingly returned to the inquisitors five days after, when the president declared; "that the tribunal would not permit me

to continue any longer in Portugal ; and therefore that I must name the city and kingdom whither I intended to retire.”—“As my family, (replied I) is in London, I design to go thither as soon as possible.”—They then bid me embark in the first ship that should sail for England ; adding, that the instant I had found one, I must inform them of the day and hour I intended to go on board, together with the captain’s name and that of his ship.

A report prevailed some days after, that one of the persons, seized by the Inquisition for free-masonry ; and who obtained his liberty by turning Roman Catholic, had been so indiscreet as to divulge the cruelties exercised in this tribunal.

I now imagined that prudence required me to secure myself from a second persecution. As there was, at this time, no English ship in the port of Lisbon, I waited upon Mr. Vantil, the Resident of Holland, and besought him to speak to the Dutch Admiral, to admit me on board his fleet. The Resident, touched with my calamities, hinted my request to the Admiral, who generously complied with it. I then went, together with a friend, and informed the inquisitor, that I designed to embark for England, in the *Damietta*, commanded by Vice-Admiral Cornelius Screiver, who was to sail in a few days. Upon the inquisitor’s enquiring the exact time when I intended to go on board ; I replied, at nine o’clock the next morning. He then bid me come to him precisely at that hour ; adding, that he would send some officers of the Inquisition to see me on ship-board.

These orders giving me great uneasiness, I waited upon the several gentlemen abovementioned ; when telling them the injunctions laid upon me, they advised me to act very cautiously on this occasion. I therefore thought it would be safest for me to go on board immediately, without giving any notice of it to the inquisitors. We lay at anchor, after this, near three weeks before Lisbon.

The inquisitor no sooner found that I failed coming to him at the time appointed, in order to be conducted to the ship, than he sent out about thirty spies. Nine of these coming to enquire after me, at the house where I used to lodge, searched it from

top to bottom; examining every trunk, chest of drawers and closet. But their endeavours to find me being fruitless, some officers of the Inquisition getting into a boat, rowed several times round the three Dutch men of war lying at anchor. These officers imagined, that if I was on board, and consequently in a place of security, I should not be afraid of showing myself; a circumstance that would have put an end to their search, which cost them some pains and expence. As I did not gratify their curiosity, and we weighed anchor a few days after, I know not whether they continued it.

Their search was so open, both at the house where I had lodged, as well as at other places, that I was soon informed of it; at which I should have been delighted, had not my joy been damped by the apprehensions I was under, lest my dear friend, Mr. Mouton, the companion of my sufferings and tortures, merely on account of free-masonry, should likewise fall a victim to their barbarity. Speaking concerning him to the Admiral, he, with the utmost humanity, gave me leave to send for him on board. He coming accordingly next day, was received, with great satisfaction, by the whole ship's company, especially by myself; I having a peculiar esteem for him, which I shall ever entertain.

To conclude, I arrived in London the 15th of December 1744, after a long and dangerous voyage.

I here return thanks, with all the powers of my soul, to the Almighty, for his having so visibly protected me from that infernal band of friars, who employed the various tortures mentioned in the former pages, in order to force me to apostatize from my holy religion.

I return our sovereign, King George II. (the instrument under heaven for procuring me my liberty) the most dutiful and most respectful thanks, for his so graciously condescending to interpose in favour of an ill-fated galley-slave. I shall retain, so long as I have breath, the deepest sensations of affection and loyalty for his sacred person; and will be ever ready to expose my life, for his majesty and his most august family."



The intelligent reader will have perceived, that in describing the Inquisition, according to the plan pursued in the present volume, its distinct features have been exhibited in whatever country it exists ; to relate its separate acts therefore in different countries, would be merely to state, individual processes of one and the same court ; yet, as some erroneous impressions have gone abroad, respecting the mildness of the Inquisition, in later times it may perhaps be well to give an instance or two of modern occurrence.

The first under this character which demands attention, bears date 1776.

“ The victim which marks this period, was the celebrated Olavide, whose arrest suspended the progress of colonization in the Sierra Morena. This incident was derived from the same causes which had contributed to the removal of his protector (D’Aranda). With a similar spirit of free thinking, which he had imbibed from the fashionable philosophers of the day, he was equally offended by the obstacles which he experienced in his beneficial designs, from the prejudices and institutions of Spain. As most of the colonists were protestants, he resisted all endeavours for their conversion, and opposed the attempts to enforce their attendance on the rites of the Catholic worship. Having established a law to permit no monks in the vicinity of the settlement, he obtained an order for the removal of a convent, and built his own house on the site. He frequently indulged himself in expressions of ridicule against the idleness and licentiousness of the monks, and spoke with too great freedom of the depopulation and other mischiefs occasioned by the celibacy of the clergy.

His imprudence awakened the jealousy of the Spanish church. His conduct was closely scrutinised ; his words and actions were noted, and exaggerated ; and a formal accusation was preferred against him for heresy, before that tribunal which is considered as the bulwark of religion. The removal of his protector gave scope to the machinations of his enemies. He was summoned to Madrid, under the pretence of rendering an account of the establishment under his care. Apprised of his danger, he made some ineffectual attempts to obtain the

royal protection, and to soothe the guardians of the faith; but, after a residence of a twelve month in the capital, he was suddenly arrested, and conveyed to the prisons of the Inquisition; his papers were seized, and his effects sequestered.

After two years of impenetrable seclusion, his process was closed, and his sentence publicly announced. We give an account of this ceremony in the words of an eye witness.

“The *autillos da fe* are still celebrated at the tribunal of the Inquisition, with more or less publicity, according to the impressions intended to be made. A great number of persons, of all ranks, civil, military, and ecclesiastical, were invited, I should rather say, summoned, to attend at the holy office, at eight o'clock in the morning, on the 24th of last month. They were all totally ignorant of the reason of their being called on. After waiting some time, in an apartment destined for their reception, they were admitted to the tribunal; a long darkish room, with the windows near the cieling, and furnished with a crucifix, under a black canopy; a table, with two chairs, for the inquisitors; a stool for the prisoner; two chairs for his guards; and benches for the spectators. The familiars of the Inquisition, Abrantes, Mora, and others, *grandees* of Spain, attended as servants, without hats or swords.

“Olavide soon appeared, attended by brothers in black, his looks quite cast down, his hands closed together, and holding a green taper. His dress was an olive-coloured coat and waistcoat, white canvas breeches, and thread stockings, and his hair was combed back into a bag. He was seated on the stool prepared for him. The secretaries then read, during three hours, the accustomed accusations and proceedings against him. They consisted of above a hundred articles, such as his possession of free books, loose pictures, letters of recommendation from Voltaire, his having neglected some external duties of devotion, uttering hasty expressions, his inattention to images, together with every particular of his life, birth, and education, were all noted. It concluded with declaring him guilty of heresy. At that moment he fainted away, but was brought to the recovery of his senses, that he might hear the sentence pronounced against him. It was no less than this: deprivation of

all his offices, incapacity of holding any hereafter, or of receiving any royal favour, confiscation of his property, banishment to thirty leagues from Madrid, from all places of royal residence, from Seville, the new colony, and Lima, the place of his birth; prohibition from riding on horseback, or wearing gold, silver, or silk; and eight years confinement and monastic discipline in a convent. From respect to St. Jago, his wearing the cross of that order was not mentioned, and he was excused from putting on the sambenito.

“The sentence being read, he was led to the table, where, on his knees, he recanted his errors, and acknowledged his implicit belief in the articles of the Roman Catholic faith. Four priests in surplices, and with wands in their hands, then came in. They repeatedly laid their wands across his shoulders, while a miserere was sung. He then withdrew, the inquisitors bowed, and the strangers silently departed, with terror in their hearts, but discretion on their lips.”

However rigorous this punishment may appear, yet it is mild when compared with the severity with which the Inquisition formerly visited similar offences. Nothing less than the personal interference of the monarch himself, and the clemency of the grand inquisitor, could probably have prevented a repetition of those dreadful scenes which have rendered this formidable tribunal an object of universal horror; for the confessor, and many of the subordinate members, insisted on the necessity of an *auto da fe*, in which Olivade would have been infallibly committed to the flames.”<sup>a</sup>

Another instance is found in a *Letter on the Spanish Inquisition*, (translation) in which the writer relates the case of a female who was blind, and of the class called *Beatas*, or devotees, who had imbibed the doctrines of Molinos, and who was arrested and confined in the dungeons of the inquisition, at Seville, about the year 1780.

“The confinement of the Beata lasted three or four years, during which time there was scarce a graduate of any order who did not, in turn, undertake the conversion of the heretic.

<sup>a</sup> Coxe's *Kings of Spain*, vol. IV. p. 416.



The *Calificadores*<sup>a</sup> exhausted the syllogistic art, but hardened as she was, she would not yield to their powerful arguments and authorities. The poor wretch was not aware of her danger in not being convinced, and the cause was drawing towards a conclusion. This arrived, and she insisted in arguing. The tribunal declared her an obstinate heretic, and appointed a time for the *auto da fe*. Scarce an inhabitant of Seville but went to see this solemn act. It lasted from the early part of the morning until night. The criminal was conducted, gagged, and mounted on an ass, in the midst of divines, who endeavoured to subdue her obstinacy by new arguments, and vie with the multitude in stunning her with repeated shouts of *viva la fe* (long live the faith). Her cause was read from the pulpit, in the principal church of the Dominicans, intermixed with obscenities expressed in the grossest terms. Nothing now remained but to deliver her up to the secular judge, that she might be punished with death. A retraction previous to this act, might have saved her life, but the unfortunate fanatic persisted in not making it, and was delivered up. The approaching punishment, and depression of spirits, occasioned by the fatigues of the day, made her desist from her obstinacy when it was too late. She was converted to the satisfaction of the monks who were present; but the punishment could not even be deferred. She alone obtained as a favour to be burned after death; and was strangled in the evening amidst the tears of all devout souls, who admired the pious artifice by which this opportunity was taken of sending her to heaven, to prevent her falling again into heresy.

“ You will have difficulty in persuading yourself that this happened only thirty years ago. But remember, that the same laws now exist in all their force, and that it is scarce a year since the famous *Quemadero*,<sup>b</sup> where this scene was represented, was destroyed at Seville, because it stood in the way of the fortifications which were erecting against the French. A *Quemadero*, on which many thousands have perished, and which,

<sup>a</sup> Monks, or clergymen, who act as assessors to the inquisitors.

<sup>b</sup> *Quemadero*, the pile upon which criminals are burnt.



doubtless, owing to the frequent call for it, was constructed of solid materials, unlike other scaffolds, which are merely erected as occasion requires. Imagine to yourself that the greater part of the people are still disposed to look quietly on the repetition of such scenes; and tell me then, whether the inquisition can be viewed in the light in which you place it.

“ The time has gone by, it is true, when these scenes were exhibited daily; when the victims groaned in subterraneous dungeons, and made the hall of the tribunal resound at night with the cries which torture wrung from them; the time has passed by, though not long since. It has passed, though it depends on the will of three men to restore it.<sup>a</sup> It has passed:—then why all this declamation? Leave this question to those who, forced by the circumstances of the times, to conceal their inclinations and their opinions, clothe themselves in sheep-skins, anxiously awaiting the day, when they may wreak their vengeance on those who have constrained them to shew a mildness and forbearance. You strangers, who have lately visited Spain, have no means of forming a correct idea of the slow and endless oppression which this tribunal occasions, even in its actual state of slumber.

“ An English gentleman arrives, still animated with the sentiments which the name of Inquisition has excited (not unjustly) in him, since his early years.<sup>b</sup> He enquires if he may

<sup>a</sup> The inquisitors are not accountable for the judgment they pass, or for the punishment they inflict. They are the absolute masters of imprisoning any body, of keeping their prisoners as long as they chuse, and of disposing of them as they please. All this is done with the profoundest secrecy. These are the existing laws.

<sup>b</sup> The traveller alluded to by this writer is evidently Mr. Jacob, in whose “ Travels in Spain” such a passage is to be found, and upon which a literary censor makes the following comment:—“ From what our author states, it is pretty clear, that after all the sneers which have been cast on the enemies of intolerance, tyranny, and political abuses, this same inquisition, though it may have given over treating the public with an *Auto da fe*, is nevertheless in full force and activity—ready to intermeddle on every occasion, prepared to go just as far as the government can be bribed, or the people lulled or terrified, to permit it; and always on the alert, by all such means; to extend the sphere of its activity and influence. When our author visited the inquisition at Seville, and was shewn a light and airy cell, in a small garden,

see the celebrated inquisition of Seville, and is admitted with all possible politeness ; he perceives a large room fitted up with simplicity, in which the judges assemble ; he turns his eyes around to discover instruments of torture, and wonders at not seeing any ; he enquires for them, and is answered with a *smile*. He is conveyed to the dungeons, and finds them small, but light and neat habitations. They tell him of the conveniences enjoyed by the prisoners, of the mildness with which they are treated, and he takes his leave, laughing himself, at his former apprehensions.

“ Ah ! I wish that with his ideas of liberty and tolerance, he could live for twenty years within the reach of the inquisition, in some provincial city of Spain. He would then feel how this bears on a mind sensible of its own dignity and its rights. He would then feel how tormenting is this drop of water, incessantly falling upon one.”

Another case of a still later date.

*Extracts from a Narrative of the PERSECUTION of HIPPOLYTO JOSEPH DA COSTA PEREIRA FURTADO DE MENDONCA, a Native of Colonia-do-Sacramento, on the River La Plata.*

THREE or four days had elapsed, after my arrival at Lisbon from England, in the latter end of July, 1802, when a magistrate abruptly entered my apartments, and telling me who he was, informed me likewise, that he had orders to seize all my papers, and to conduct me to prison, where I was to be rigorously kept aloof from all communication. I knew this man by name, but not personally ; and, indeed, I doubted whether he was or was not the person he represented himself to be, not only on account of his unpolished manners, but also because he had neither his official staff, nor any other sign of power that could induce me to respect him in his public capacity ; and though I knew very well that this circumstance was an

planted with orange and fig trees, and was told that the others were similar, he asked, naturally enough, if there were any prisoners in confinement, any subterraneous cells, or instruments of torture, but to these questions (says he, in italics) “ *I could obtain no replies !*” Vide Edinb. Rev. vol. xviii. 140, Jacob's Spain, 96.

error of such essential consequence, in a magistrate, that it justified me in impugning his authority, and considering him as a mere intruder upon the sacred asylum of my abode, yet I did not avail myself of the strength of my ground, but adopted measures of a contrary tendency. I invited him civilly to sit down, and entreated that he would have the goodness to shew me the order he pretended to possess, or, at least, to tell me by whose authority it had been issued. He then shewed me a letter from the intendant-general of police, which I would most willingly copy here, if my memory would enable me to do it, in his own words and orthography. This note directed my imprisonment, the seizure of my papers, “and that endeavours should be made to find upon, or about me, some masonical decorations.” The motive of this proceeding, as stated in the order of the intendant-general, was, that I had been to England, without a previous passport.

I had scarcely read this fatal note, when all the sorrowful consequences of an imprisonment rushed upon my mind, for I was but too sensible that the fury of my persecutors would know no limits. I had sufficient coolness, however, amid my mental uneasiness, to represent to this myrmidon of justice, that the harsh treatment of the intendant-general of police, without having any previous information of my case, was not a little surprising, since, so far from having gone to England without a passport, I had previously procured one from his Royal Highness the Prince Regent, which leave I had solicited, in consequence of being employed in the royal service, as one of the literary directors of the royal printing-office, and my not deeming it proper to leave the kingdom without my sovereign’s permission; that I had not only obtained leave of absence in writing, from the secretary of state’s office in the competent department, and procured a formal passport from the minister of foreign affairs, but further, that the minister of finances had charged me by the sovereign’s command to transact some business relative to the royal service in London; and that, in proof of this, I could shew him the official letters, some of which were directed to me in Lisbon before my departure,



and others were forwarded to London after my arrival in that city. I pleaded, therefore, my right to expect, that the intendant-general of police should have been informed of all this before he proceeded against me with such severity, or alleged as a cause of his proceedings against me, that I had gone to England without a passport.

The corregidor, deputed on this errand of justice, willing to shew me that there had been no precipitation in his way of proceeding, accused me of rashness for thinking that so excellent a magistrate, as the intendant-general of police, "whose probity was equal to his knowledge and learning," would have proceeded in a case of such importance, without mature deliberation; and to convince me of this, he shewed me another letter. In this he was ordered by the intendant of police, to take care of every thing that I might have brought from England belonging to the royal service, such as a collection of books I had purchased for the public library of Lisbon, some instruments directed to be made in England, and some books and other things belonging to the royal printing office.

The reading of this second letter produced in me sentiments rather at variance with those which I had entertained of the first: for, if the idea of the misfortunes I was about to suffer, had impressed my mind with a natural dejection, I now reflected on the meanness of the souls that could prescribe orders so manifestly contradictory, and so indicative that their authors had not even the wretched talent of inventing a plausible pretext, with which it is generally customary to cover unjust proceedings. This reflection inspired me with such a contempt for the orders, and for those who had sanctioned and were to carry them into execution, that the recollection of it proved no small consolation to me during my troubles, and even excited, at the time, such ideas of superiority over my foes, that although, at the very moment, I could not help contrasting their apparent prosperity with my actual misfortune, yet I feel resolved to declare it here, that the humiliation I suffer in such a confession, may inflict some punishment on my vanity.

Enclosed then in a solitary cell, in the prison called Limoeiro,



without any other company than that of sorrowful thoughts, labouring under a perfect uncertainty as to my fate, and sustaining every possible inconvenience attendant on such prisons, which are too notorious to need insertion here, I remained for eight days; until one night the gaoler came to my dungeon, and told me that he had orders to take me before the corregidor, my judge, who wished to proceed in the necessary interrogatories, preparatory to the commencement of my trial. I appeared of course before the judge, in a small room of the gaol, appropriated to the purpose of interrogating the prisoners; when I immediately requested the corregidor to order, that I should be released from my solitary confinement, the five days having already elapsed, which form the precise term allowed to the criminal magistrates for subjecting a prisoner to such a punishment, as I apprised him, by a quotation from the laws. In answer to my request, he stated, that the laws I quoted had no reference whatever to my case; because my imprisonment had taken place under the cognizance of the police, whose magistrates, under the law establishing that department, were not bound to follow any general principles of law, in the trial of their prisoners, all this being left to their own discretion, with the most unlimited powers to investigate crimes, and to bring the culprits to punishment. And lastly, to prove that such was the practice, he added, that the intendant-general of police was in the habit of detaining his prisoners in solitary confinement, for days, months, and years; indeed, so long as he thought convenient, without any notice being taken of it.

Six months had I passed in solitary confinement, when one night the gaoler came to the cell where I was, accompanied by four or six men. As they evidently came to take me with them, I asked, whither? They answered, they did not know. This mysterious and absurd way of proceeding immediately rendered it apparent to me that I was going to the prison of the inquisition; an event which I had long anticipated, as the natural course of things, according to the pre-concerted plan laid down by the persons who had agreed to act in the demi-tragedy of my persecution. In fact, I was taken in chains to a carriage,

where I found a silent companion, and being surrounded by constables, or others, officers, of the inquisition, who walked by the side of the carriage, I was conveyed to Joseph Street, until the carriage reached St. Anton Gate. There, to prevent any body from guessing my destination, I was ordered to alight, and being led through an alley, the party returned again to the square, called Rocio, leading to the gate of the palace of the inquisition, which communicates with the prison: here I found the people of the prison in waiting for me.

I was then conveyed to a room, where they entered my name in the books; made an inventory of the few clothes I had; and asked me if I had any knife, razor, or scissors, or any other instrument; also, if I had any gold, silver, or jewels; and, on their saying that they would rely on my word in this respect, I produced some pieces of golden coin, (most stupidly,) relying on their assertion; but as soon as they obtained this, and found that I had nothing else to produce, they began the most scrupulous search over every part of my body.

The gaoler, who, for greater dignity, has the name of Alcaide, that is, keeper of the castle, addressed to me almost a little sermon, recommending me to behave in this respectable house with great propriety; stating also, that I must not make any noise in my room, nor speak loud, lest the other prisoners might happen to be in the neighbouring cells and hear me, with other instructions of a similar kind. He then took me to my cell, a small room, 12 feet by 8, with a door to the passage; in this door were two iron grates, far from each other, and occupying the thickness of the wall, which was three feet, and outside of these grates there was, besides, a wooden door; in the upper part of this was an aperture that let into the cell a borrowed light from the passage, which passage received its light from the windows fronting a narrow yard, but having opposite, at a very short distance, very high walls; in this small room were a kind of wood frame without feet, whereon lay a straw mattress, which was to be my bed; a small water-pot; and another utensil for various purposes, which was only emptied every eight days, when I went to mass in the

prisoner's private chapel. This was the only opportunity I had of taking fresh air during such a period, and they contrived several divisions in the chapel in such a manner that the prisoners could never see each other, or know how many were granted the favour of going to mass. The cell was arched above, and the floor was brick, the wall being formed of stone, and very thick. The place was consequently very cold in winter, and so damp, that very frequently the grates were covered with drops of water like dew; and my clothes, during the winter, were in a state of perpetual moisture. Such was my abode for the period of nearly three years.

The day following my entrance into these prisons, the gaoler came to my cell early in the morning, dressed in a state black cloak, which he always wore on those days, when the tribunal did business: he asked me, whether I was accustomed to pass the day only with a dinner, or if it was necessary for my health that I should eat another meal during the day. I answered, that it was very unpleasant to me to go without breakfast, being in the habit of taking some tea or coffee every morning. The gaoler replied, that this was not a house for luxuries, though the prisoners had what they really wanted; that for the present he would send to a coffee-house for a dish of coffee for me, as I had passed the night before without supper: but, for the future, he would report what I said to the lord inquisitor, and act agreeably to his orders. At nine o'clock in the morning the gaoler came again, with another turnkey, and said that I must accompany him to the hearing of my case by the lord inquisitor, appointed by the holy tribunal to be my judge, and what they call reporter (rellator) of the cause, who happened to be the first inquisitor and president of the small board, Manoel Stanislao Fragoso. The affability with which this priest treated me, when I first spoke to him, knew no abatement during the time of my imprisonment, except in one or two instances, when his temper was ruffled.

Notwithstanding all that I had either heard or read about the inquisition, I was persuaded that the proceedings of this tribunal did not possess that character of cruelty which had



been ascribed to it in former times: but this arose as much from the ignorance of their ministers as to the criminal law, as it did from their unbounded avarice, which rendered them most anxious to acquire other people's property, under the name of confiscation. I fully expected that my trial would have soon terminated, flattering myself with the hope of having some sentence speedily passed on the cause. Whatever this might be it could not be but grateful, as it would, necessarily, in some way or other, put a period to a confinement to which, however, I was to be doomed for so many years.

I must however acknowledge, as a warning to others, that my childish credulity, in entertaining the hope of finding in the holy office meekness, clemency, or dispatch in my trial, had no other ground except the popular rumour in every corner of Portugal, that the holy office is very much altered, and does not now practise those cruelties which it before committed, and the reason assigned for this was, that the tribunal is now composed of enlightened ministers, who are thoroughly conversant with the criminal law, and execute with prudence the new regulations prescribed to them, during the reign of the late king Joseph I.

It was perhaps inexcusable in me to attach any credit to such reports, in contradiction to the opinions of the better-informed and more sensible part of the world, and without reflecting that they must have had their origin in the artifices of the inquisitors; who, at all times, have been sufficiently artful to disseminate opinions in favour of their views, and to uphold their credit for some time: such were, for instance, the ridiculous stories they spread concerning the Jews, which, having the effect of irritating all nations against those unfortunate people, disposed every one to regard their persecution by the inquisitors, and the enrichment of the latter by the despoiled property of their innocent victims, not only without pity, but without at all considering the injustice of these transactions. As I shall hereafter take an opportunity of saying something more about the tribunal, I will now continue the sequel of my narrative, which will be found to afford a better description of



the actual state of the holy office than any general reasoning about it could do.

The inquisitor was in the audience-room with another priest, who acted as clerk, or as they call it, notary, and he commenced the interrogatories first by inquiring my name, parentage, and place of birth; next, if the familiar, who brought me to the prisons of the holy office, had done me any violence; or if I knew the cause that had subjected me to the notice of the inquisition. He then observed to me, that I was before the most just and most merciful tribunal on earth: but to obtain its mercy and pardon for my crimes, it was necessary that I should, of my own free will and accord, confess all crimes of which I had been guilty, without concealing my accomplices, frauds, or any other circumstances; and that this confession must be immediate, because the present time was the most favourable moment a prisoner in the inquisition could have—for, should I confess afterwards what I might deny in the beginning, the lenity of the tribunal would be very different.

I replied to the inquisitor, that having been first imprisoned by the police, on the ground of having gone to England without passports, although I was not interrogated about this subject, but only with respect to my having entered into the order of freemasonry, I was led to conjecture that my being a freemason was the cause of my trial by the inquisition. If, indeed, this was the crime of which I was accused, I was disposed to confess it, not only because it was true, that I was a freemason, but with a view that I might obtain the mercy he, the inquisitor, had promised me: but if I was mistaken in my conjecture, and the crime I was accused of was different, I begged that its nature might be disclosed to me, and I would reply to the accusations as should be necessary. The inquisitor replied, that he could do no otherwise than praise my laudable resolution to confess my crimes; but it was his duty again to admonish me, (and he said this with a great deal of apparent charity,) that I ought to examine my conscience thoroughly, and not leave any thing untold of all that I had done in any period of my life; that I had committed crimes whose cog-

nizance belonged to that holy tribunal, and that I was accused of them, and informed against on that account; that I should remember his recommendation, that to confess my crimes was highly important to the clearing of my conscience, to the salvation of my soul, and to the successful issue of my cause; and that he, to do me a favour, would send me back to my solitary prison, that I might have time to examine my conscience. I told him, that the greatest possible favour he could confer upon me was, that of accelerating my cause; for having been more than six months in prison without being allowed to communicate with any one, my health was so seriously injured, that all I wished was, to have a sentence, in order to get free from my painful situation and suspense; and however rigorous that sentence might be, it would always be preferable, in my estimation, to being in a solitary prison, under circumstances that could only lead to an inevitable ruin, which was the more to be feared, as I was literally dying by inches in slow torments.

I was then immediately remanded to my prison, and the gaoler came to inform me that the goodness of the lords inquisitors extended so far as to order that I should have, besides the ordinary allowance, some coffee for breakfast, and in consideration of the state of my health, a daily allowance of wine. The ordinary allowance he spoke of was half a pound of boiled meat, (which, as some people who have heard about the allowances of the inquisition, say, is without bones, but the bones enter into the weight of this half pound; and on some days this allowance is very scanty;) a few spoonsfull of rice, a cup of gravy, and some bread. This allowance is cooked in the kitchen of the inquisition by a proper cook, and in order that no letter may be sent to the prisoners in the victuals, it is regularly served at noon. The steward gives to the cook what money may be required for buying the articles intended for the prisoners, and these expences are defrayed at the time by the treasury of the tribunal: but at last, when the costs of the trial are settled, all advances for the prisoner's maintenance, are taken into consideration, and recovered with exactitude

out of his estates or property. The only persons who are allowed to have any access to the prisoner, or who can see and speak to him, are the gaoler, and four guards, called the faithful of the prisons, who convey the prisoner backwards and forwards to the audiences, and are at the same time the executioners who administer the tortures. These guards also wait upon the prisoners, and bring them what they want, such as food, water, &c. but it is necessary to observe here, that these guards are, properly speaking, spies set upon the prisoner to observe every thing in the prisons, and to relate it to the inquisitors, not only what they can gain by listening to the conversation of the prisoners, but also what they can see through small holes they make in the ceiling, just at the corners of the cells."

In the same manner this gentleman was tormented by interrogatories at different intervals, until the term of his harsh confinement had extended to the space of three years. When finding no hope of a decision, and his health very visibly declining, he formed the resolution of attempting his escape, which he at length happily effected, and is now resident in the British metropolis, where he has published the *Narrative<sup>a</sup> of his Persecutions*, from which the foregoing is extracted.

These several relations are so explicit and minute as to need no comment.

<sup>a</sup> The original is a work of particular interest, because it exhibits in detail the present practice of the Portuguese Inquisition, and affords some very curious specimens of inquisitorial argument.—2 vols. London, 1811.

## CHAP. XLIII.

*On the re-establishment of the INQUISITION in Spain by the Decree of FERDINAND VII.*

IT is well known, that the terrors of that licentious power which arose out of that great political event, so fruitful of horrid consequences, the French revolution, have been felt in Spain, as well as other nations, in no small degree, and that during six years, that country was fated to endure, all the miseries attendant on a war maintained for its existence, not in a distant land, but on its native soil, and at its very doors. It is also well known, that, aided by the generous support of British blood and British treasure, after a contest maintained throughout the most desponding circumstances, conducted by the very first of military talents, she has been delivered from the scourge of internal desolation.

“The throne of Spain,” to use the expressions of her enlightened patriots, “is a throne preserved at the expence of rivers of blood;”<sup>a</sup> and the Spanish nation might well expect from him who fills it, “the reward of its heroic devotedness.” The reward they sought was just and reasonable. The security of personal rights and political freedom. But alas ! events have shewn, that the dawn of liberty has not yet visited those southern regions, and that great as the sufferings of that people have been, the rod of bigotry and of perversion is yet to be held therein, which calls aloud for vengeance.

When the restrictions of foreign influence were removed from Spain, and the throne left open for the return of Ferdinand VII., the greatest anxiety was exhibited by the people, and the stay of their returning sovereign at Valencia, in April, 1814, gave rise to various rumours and surmises. Enlightened men hoped in this new era of the monarchy for a government modelled anew. The sensations of royalty it was soon found, were not in unison with this patriotic feeling, and intimations were

<sup>a</sup> Vide Address of the university of Salamanca to Ferdinand, on his restoration.



given by its organs, that a constitution securing to the subject his liberty, did not accord with the high-toned notions of their lately captive monarch.

On the 4th of May Ferdinand put the doubts of his people at an end, by declaring, in a proclamation, that the constitution as desired was inimical to his views. And after reprobating the conduct of the Cortes, he used the following words:—  
“ I declare that my royal intention is not only not to swear or accede to the said constitution, nor to any decree of the general and extraordinary Cortes, and of the ordinary at present sitting; those to wit, which derogate from the rights and prerogatives of my sovereignty, established by the constitution and the laws, under which the nation has lived in times past, but to pronounce that constitution and those decrees null and of no effect, now or at any other time, and that they are entirely abrogated, and without any obligation on my people and subjects, to observe them. And as he who should attempt to support them, will attack the prerogatives of my sovereignty, and the happiness of the nation, and cause discontent and disturbance in my kingdom, I declare, that whoever shall dare to attempt the same, will be guilty of high treason.”

That a government, so remarkable for weakness in the previous part of its existence, should now adopt such determined language, was to be attributed only to its power to compel obedience. The patriots, who saw the value, and endeavoured to obtain the possession of, civil liberty by a free constitution, bore a very small numerical proportion to the whole Spanish population, and as in every country the multitude are to be awed by power or swayed by interest, the few enlightened men who laboured to obtain an ameliorated government, soon found themselves without support. On the arrival of Ferdinand's proclamation at Madrid, the Spanish people instantly embraced their chains in his unrestricted government; the Cortes expired without the least resistance; a number of arrests took place; and the favoured city was honoured with the Royal grant of a new title, by which it was denominated the *Heroic*, besides its former distinctions of *loyal* and *imperial*.

His Catholic majesty now formally returned to his govern-

ment, and on May 14th entered Madrid, amid, as stated, shouts of "Long live Ferdinand!" "Perish the constitution!" Expressions, which if they could be supposed to convey the sense of the nation, would leave the world nothing to regret in their subjugation. But those who are accustomed to observe the manner in which governments are sometimes established and overthrown, cannot do the Spanish people so much injustice, notwithstanding all their unsteadiness, as to suppose, that the voice of the Madrid mob was their voice; indeed the contrary was pretty soon evident, and expressions of discontent became so extensive as to shew, that nothing short of the old despotic system would be equal to the task of curbing the liberal spirit which had gone abroad. Arrests were consequently daily taking place. The church, whose ceremonies are so strongly interwoven with Spanish habits, was restored, together with its usual appendages of religious orders<sup>a</sup> and ecclesiastical property, and the greatest attention paid to the dignity of the clergy, whose unnatural preponderance had formerly supported the throne, and kept the people in poverty and ignorance; and, after a short period to crown the whole, the Inquisition, that horrible engine of intrigue and cruelty, was again set up by a Royal decree, of which the following is a copy:

"THE glorious title of *Catholic*, which distinguishes us from among all other Christian princes, is owing to the perseverance of the kings of Spain, who would never tolerate in their states any other religion than the Catholic, Apostolic, and Roman. This title imposes upon me the duty, to render

<sup>a</sup> No one of the various religious observances of Spain appears more ludicrous than the procession of the Host, to the houses of the sick and dying. A priest is seated in a sedan chair, with a cup (containing, what according to Romish doctrine, is called, the real body of Christ) he is attended by a party of soldiers, and a bellman. The bellman, as they pass along, gives three strokes, in allusion to the three persons in the Trinity, and then ceases. At this well-known sound, whatever be the state of the weather, or the condition of the street, every one drops on his knees, and continues in this devout posture, till the object of adoration is out of sight. If this procession should pass a theatre or a ball-room, the actors on the stage, and the dancers at the assembly, alike drop on their knees till the sound is lost, when they resume their thoughtless dissipation. Vide Jacob's Spain, 91.

myself worthy of it by all the means which Heaven has placed within my power. The late troubles, and the war which has desolated during six years, every province in the kingdom; the long abode which has been made in Spain by troops of different sects, almost all of whom were infected with sentiments of hatred towards our religion; the disorder which has been the infallible result of this, and the inattention with which the affairs of our holy religion have been treated during this unfortunate period; all these circumstances united, have laid the field open to wicked persons, who have never experienced any check; dangerous opinions have been introduced, and have taken root in our states, by the same means as they are spread in other countries.

“ Wishing, then, to remedy so grievous an evil, and to preserve among my subjects the holy religion of Jesus Christ, which they have always revered, and in which they have lived, and always wish to live, either on account of the personal obligation of having no other imposed on the princes who reign over them by the fundamental laws, which I have promised and sworn to observe, or because this religion is the most certain means of sparing my people from intestine dissensions, and insuring to them that tranquillity of which they stand in need, I have judged it necessary, under the present circumstances, that the Tribunal of the Holy Office should resume its jurisdiction.

“ Upon this subject, learned and virtuous prelates, many respectable corporations and grave personages, ecclesiastics and seculars, have represented to me, that Spain is indebted to this tribunal for the good fortune of not having fallen, in the 16th century, into errors which have caused so many misfortunes among other nations; and that on the contrary, at that period, the sciences were here cultivated with distinction, and Spain produced a multitude of great men, distinguished by their knowledge and their piety. It has further been represented to me, that the oppressor of Europe has not neglected to employ, as an efficacious method of introducing the corruption and discord which supported so well his projects, the suppression of this tribunal, under the vain pretext, that it could exist



no longer, in consequence of the enlightened state of the present age; and that the pretended Cortes, general and extraordinary, under the same pretext, and under the favour of the constitution, which they tumultuously decreed, abolished also the holy office, to the regret of the whole nation.

“ For these causes I have been earnestly supplicated to re-establish it in the exercise of its functions; and yielding to considerations so just, and to the wish manifested by my people, whose zeal for the religion of our ancestors has anticipated my orders, by hastening to recal spontaneously the subaltern inquisitors of some provinces.”

“ I have, therefore, resolved, that for the moment the supreme council of the Inquisition, and the other tribunals of the holy office, shall resume their authorities conformable to the concessions which have been made to them by the sovereign pontiffs, at the instance of my august predecessors, and by the prelates of the diocese, and by the kings who have assured to them the full exercise thereof, observing in this double jurisdiction, ecclesiastical and civil, the ordonnances which were in force in 1808, and the laws which have, on different occasions, been made for obviating certain abuses. But, as independent of these ancient laws, it may be proper to add new ones on this subject, and my intention being to perfect that establishment in such manner as to render it eminently useful to my subjects, it is my desire that, as soon as the said supreme council of the Inquisition shall be assembled, two of the members who compose it, joined to two of the members of the council of Castile, both appointed by me, shall examine the forms and mode of proceeding of the holy office, in its processes, and with respect to the censure and prohibition of books; and if they find that the interests of my subjects, or the claims of sound justice, require any reform or change, they will make a report to me, supported by their observations, in order that I may take the necessary resolutions.

“ *Madrid, July 21, 1814.*

“ I, THE KING.”

Thus was the death blow given to the fond hopes of patriotism, and thus did the pious Ferdinand, under cover of the



church, and in accordance with his *glorious Catholic title*, seize the sceptre of that arbitrary power, which disdains to give its VASSALS any reasons for its conduct, beyond the simple fiat of despotic sovereignty.

It cannot be imagined, from the tenor of this decree, that national gratitude is to be placed among the first of Spanish virtues, or that the heroic conduct of a foreign army, who magnanimously lent its aid, and shed its blood, for the defence of Spain, in opposition to the common foe, can be much regarded. Catholic piety, on the contrary, requires, that this army, whose high achievements in the cause of the oppressed must live in history, should be alluded to as composed of persons inimical to the faith, or in plainer terms, as *heretics*; a title which, it is almost unnecessary to say, dissolves all bonds, and cancels all obligations.

Such is the temper of this *great* decree on one point, on another, which attributes the revival of the Inquisition in Spain to the wishes of the people, differences of opinion must arise; nor is it credible in British ears, that any people, not even the Catholic Spanish nation, could deliberately desire the re-establishment of this tremendous scourge, holding, as it does, the peace, the lives, and the property of men, at the disposal of its sovereign mercy.

If this Royal decree had imputed the return of the inquisition to the desire of the Spanish clergy, as well as the wishes of the King, it could not have been disbelieved, because both the one and the other had gone down in the estimation of enlightened men, and consequently stood in need of other support than that which is derivable from personal considerations; but when the cause is attributed to the people, a different conclusion is unavoidable in the reflecting mind.

In order to render the re-establishment of this tribunal tolerable to modern times, numerous reports were circulated respecting its intended moderation; and it was asserted that his Catholic Majesty had even applied to the pope for the abolition of the code entitled, *Directorium Inquisitorum*, as well as for some other regulations, and the discontinuance of the torture; as much of which may be believed, as is consistent with the usual

arts of encroachment, and especially of ecclesiastical encroachment: a disposition which needs no other proof of its existence than the general edict, published April 5, 1815, as given in the note below.<sup>a</sup> But by late intelligence it is clear, that the tor-

<sup>a</sup> Edict of the most excellent lord inquisitor general, transmitted to the respective districts of all the Spanish dominions, in Europe and America.

"We, D. Francisco Xavier Mier y Campillo, by the grace of God and of the holy apostolic see, bishop of Almeria, knight of the great cross of the royal and distinguished Spanish order of Charles III. member of H. M. council, and inquisitor general of his kingdoms and lordships.

"To all the faithful inhabitants of these kingdoms, health in our Lord Jesus Christ. We are all astonished at and deplore with the greatest reason the horrid ravages caused on our soil by the barbarity and fierceness of our enemies, which will be transmitted to distant generations in the multitude of ruins, which strike the eye, from one extreme of the kingdom to the other; but however great these evils may be, as well as the desolation to which whole towns have been reduced, together with numberless families of all conditions and classes, we have still to deplore another evil incomparably greater, with which Divine Providence has punished our sins; for the poverty, misery, widowhood, orphanage, as well as other kinds of unhappiness, justly excite pain and regret, they cannot, in any way be compared with that we ought to feel at the loss of our holy faith, and of the ineffable consolations with which, in midst of the greatest afflictions and calamities, the religion of Jesus Christ upholds and comforts us. We will not say that this has abandoned the sad and afflicted Spain, nor that its holy law and the observance of its precepts have disappeared from among us, thanks to the infinite mercies of the Lord who has punished us as a father, he always preserved in his inheritance zealous workmen and faithful servants, who watched and laboured for the glory of his holy name and for the honour of his true spouse, the Catholic, Apostolic and Roman church; but we all behold with horror the rapid progress of incredulity and the dreadful corruption of manners which have contaminated the Spanish soil, and of which the piety and religious zeal of our forefathers would be ashamed, seeing that the same errors and new and dangerous doctrines which have miserably destroyed the greatest part of Europe, infest their beloved country, and that the youth drink, like water, this pestiferous venom, for the very reason that it flatters their passions and senses.

"The compassionate heart of our sovereign was moved, at his return from captivity, on beholding this our sad situation, and with a holy zeal he excited that of all ecclesiastical and secular authorities, in order to extirpate so great a scandal, and, in imitation of him, all the good deplore, that many of their children have given ear, as heathen Rome once did, to the errors of all nations.

"Under circumstances unfortunately too notorious, it is not strange, that

ture *has been* administered ; it may be said, in a matter of state, (though when church and state make common cause, it may be difficult to discover or preserve distinction) but if so, it cannot

all the lovers of religion, should turn their eyes to the holy tribunal of the faith, and hope, from its zeal for the purity of doctrine and manners, that it will remedy, by the discharge of its sacred ministry, so many evils, through the ways and means granted to it by the apostolic and royal authority with which it is invested. Nothing more urgent to the truth nor more conformable to our institution, for in vain should we be sentinels of the house of the Lord, if we were to remain asleep in midst of the common danger to religion and our country. God will not permit us thus basely to abandon his cause, nor to correspond so ill to the exalted piety with which the king our lord, has re-established us in the weighty functions of our ministry, in which we have sworn to be superior to all human respect, whether it be necessary to watch, persuade and correct, or whether to separate, cut or tear down the rotten members, in order that they may not infect the sound ones.

“ But, in order to proceed in so delicate as well as important and necessary an operation, we will not imitate the ardent zeal of the Apostles when they asked of Jesus Christ to cause fire to rain down from heaven to destroy Samaria, but rather the meekness of their master and guide, of which certainly those are ignorant who wish us to commence our functions with fire and sword, by anathematizing and dividing, as the only remedy to save the sacred deposit of the faith, and choak up the bad seed so abundantly scattered on our soil, as well by the immoral band of Jews and sectaries who have profaned it, as the unfortunate liberty of writing, copying and publishing their errors, our resolution has been very different, since we have meditated and carefully deliberated the matter with the ministers of the council of H. M. and of the supreme and general Inquisition, all having unanimously agreed, that now as well as ever, moderation, sweetness and charity ought to shine forth as forming the character of the holy office, and that before using the power of the sword granted to us against the contumacious and rebellious, we ought to attract them with sweetness by presenting to them the olive branch, the symbol of our pacific wishes, towards those who go so far as to abhor peace. To this we have been moved, not only by the practice of the church which has frequently been indulgent and mitigated the rigour of the penalties, when the guilty were numerous, but also by a knowledge of the circumstances under which seduction and deceit have fatally triumphed over the simplicity, and above all, the confidence by which we were actuated ; yet if the hearts of many Spaniards were capable of being surprised in moments of darkness and general overthrow of ideas, they will not have been hardened or rendered insensible to the calls of religion, nor can they have forgotten their former principles.

“ Wherefore, far from adopting for the present, measures of severity and rigour against the guilty, we have determined to grant them, as we hereby do grant, a term of grace, which shall be from the date of the publication of this



be, that what is thought serviceable to the one, will be denied the other; and the secrecy of the inquisition is known to be impregnable.

In contemplating such events as these the reflecting mind cannot but feel regret. Is the state in which the world now exists all that is to result from the horrors it has so long endured? Have the great events which astonished mankind, and which have destroyed so many millions, left no impressions on the minds of survivors? Let the restoration of Popery in all its blasphemies, and the return of despotism, in all its narrow and destructive views, answer. But at the same time, let it be remembered, and let the thought bear up the innocent sufferer, that a wise providence can, and sometimes does (as in late overthrows) ordain, infatuated perseverance in crime to be the means of bringing about its own destruction.

With regard to Spain, any efforts it may use for propagating Romish doctrine cannot excite surprise. Her king is the Pope's *dear son*, and as the parent has lifted up his head with the most unexpected boldness,<sup>a</sup> a measure of that confidence must be looked for among all his children.

our edict, till the last day inclusive of this year, in order that all persons of both sexes, who unfortunately may have fallen into the crime of heresy, or feel themselves guilty of any error against which our mother the church believes and teaches, or of any hidden crime whose cognizance belongs to the holy office, may recur to the latter and discharge their consciences and abjure their errors, under the security and assurance of the most inviolable secrecy; and on the same being done within the time prefixed, accompanied by a sincere entire, and true manifestation of all they may know and remember against themselves as well as against others, they shall be charitably received, absolved, and incorporated into the bosom of our holy mother the church, without their thereby having to apprehend the infliction of the punishments ordained, nor the injury of their honour, character and reputation, and still less the privation of the whole, or any part of their property, since for those cases in which they ought to lose it, and the same ought to be applied to the exchequer and treasury of H. M. in conformity to the laws of these kingdoms, H. M. using his natural clemency and preferring the spiritual felicity of his vassals, to the interests of his royal exchequer, exempts them for the present from this penalty, and grants them grace and pardon whereby they may retain and preserve the said property, on condition that they appear within the time prefixed, accompanied with the necessary disposition for a true reconciliation," &c. &c. &c.—Madrid, April 5, 1815.

<sup>a</sup> It is curious to observe the lengths to which politeness and modern ge-



Since his restoration, the Pope has shewn, that the temper of the Roman code is in no degree ameliorated, he has issued decrees for the revival of the Catholic worship and ceremonies in all their ancient splendour; for restoring the religious orders of monks, nuns, &c.<sup>b</sup> with their domains, for re-establishing

nerosity can be extended, in the reciprocities of kindness and compliments passing between the Pope and the various governments, but more particularly the British; when at the same time, it is an incontrovertible fact, that the spirit of the Romish faith would go to the entire destruction of the British population, with one trifling exception.

<sup>b</sup> It is scarcely possible for an enlightened observer to witness the celebration of public worship in the Romish church, without feeling the impression that it is an act in which the senses of those who are occupied have principally to do. Such an amalgamation of Jewish, Heathen, and Christian rites, seems scarcely to stand in need of the prohibitory word *Mystery*, in order to prevent any approach of the profane understanding. The man who should report the existence of such a system, in the benighted parts of the eastern world, might with difficulty obtain credit, but that it should obtain regard in the midst of nations, where the scriptures are known, requires the evidence of ocular demonstration. Reflection however teaches, that it could never have been possible for the pope and clergy to have swayed (which in past times they have done) the sceptre of universal empire, unless means had been devised of beclouding the understanding, or repressing every action of the exploring mind on the subject of religious doctrine; accordingly the church of Rome uniformly destroys, in all ages wherever she has power, those whom she cannot deceive, for this plain reason, that it is impossible for light and darkness to harmonize, or that the prevalence of the one should not necessarily annul the existence of the other. When, therefore, the mighty arguments of fire and sword are taken into the account, it is no wonder that they should have prevailed in the cause of the pope, as well as in that of Mahomet, and that he should have left behind him in almost every land trophies of victory in abbeys and monasteries, though often happily in ruins. These favourite institutions (than which nothing could be more inimical to the interests of society) were ever fostered with peculiar care. The monks have at all times been a sort of pioneers in the army of the faithful, insinuating themselves among the multitude, under the garb of a beguiling sanctity founded on indolence and imbecility. Monks and nuns must certainly be regarded with veneration, if the perfection of human beings consists in nearness of approach to the attributes of a stock or stone. But if the dignity of man has reference to the degree in which he becomes useful, then monks and nuns can only be considered as a tax upon the industrious, and as utter drones in the hive of society. The papists have been ever desirous of giving to the act, whereby an individual is devoted to this living death, all the splendour which can attract the eye or seize the imagination. When a young girl is induced, either by some temporary chagrin, or the unnatural injunctions of an avaricious parent, to abandon all the duties of life by taking the habit of

the order of Jesuits! and for suppressing the society of Freemasons, under all the penalties of process and confiscation which have disgraced the darkest times.

That such perversions should walk abroad again, and that in the day light of the nineteenth century, can only be ascribed to the countenance afforded by Princes to Papal pretensions. Why, it may be asked, did not the congress which assembled for settling the peace of the world, and establishing the happiness of nations, enter into the question of the interference of ecclesiastical power with civil rights? Why did it not *demand* that Spain should relinquish the Inquisition and the slave trade, those foul and continued stains? Why did it not *bind* the Romish bishop to propagate his doctrines by no other means than those of other communions, reason and argument, and *take* from him the *power* of shedding human blood? Were the illustrious personages there present, so intent on the partition of

a nun, the following ceremony is observed: Enriched by all the tinsel splendour of priestly vestments, aided by the costly furniture of the papal sanctuary, paintings, and festoons, and glittering tapers, mass is performed, after which the grating of the chapel, which had separated the nuns, is thrown open, disclosing the holy sisters arrayed in black, the girl who is about to take the habit alone being arrayed in white. She kneels before a table on which is placed a cross. A priest now addresses her from without, forcibly pointing out the duties and happiness of the state on which she is about to enter, with the incalculable advantages of seclusion from a guilty world. After which the nuns, each of whom hold a burning taper, embrace their intended sister, and place a garland of flowers on her head, which concludes the ceremony. The girl who is now called *professed* is allowed two years probation, after which she is to take the veil or quit the society. If she decides on the former, the dress and veil, together with the ring with which she is to be married to Christ, are displayed upon the altar to which she is led by her nearest relatives, amidst all that art can devise of external humility and devotion. The priest consecrates the habit, sprinkling it with what is called holy water, which she herself puts on, then the veil, and afterward the ring, all of which is considered as an eternal vow of chastity and seclusion. The crown of virginity is then placed upon her head, by her fellow devotees, whose voices, blended with the solemn notes of the organ, give a full effect to the concluding ceremony, which conducts the infatuated female to her lonely cell.

That a system so directly opposed to the intentions of the Creator, as well as to the dictates of scripture and of reason, should produce evil cannot be a matter of surprise, and the instances of impropriety within such walls are as notorious as they are degradatory.

territory, as to overlook the welfare of the governed? or did the fascinating influence of generous feelings deprecate interference,<sup>a</sup> and confound and dissipate, as trivial, these momentous things?—To questions such as these posterity will assuredly look for answers.

But, finally, (for these pages have already been extended far beyond their designed limits,) great as the evils are which have been contemplated, they will have an end. The time is hastening on, and may not be distant, it is certain, because predicted, when bigotry, intolerance, and their attendant cruelty, will cease; when the relations of the present volume will be only looked back upon as shadows in the view of brighter days; and when the questions of civil and religious government will, by being preserved *apart*, have each their genuine influence. To hasten which happy period, the Christian knows of but two methods, the fearless yet affectionate avowal of scriptural truth, in dependance on its divine Author, and patient suffering, whenever needful, on its account.

<sup>a</sup> The question of interference may be seen very ably discussed in Mr. Brougham's eloquent appeal on behalf of the Spanish Patriots. Parliamentary Debates, Feb. 15, 1816.

The concluding words of that gentleman's energetic address are so truly British, that they deserve to be recorded. After pointing out the way in which remonstrances with Ferdinand might be used by the government, and reference made to the philanthropic exertions of England in former times, on behalf of the injured, he said, "We may perhaps succeed by these means in impressing upon him (Ferdinand) a truth, which I would not convey to him in his own language, but in the language of a Spanish minister, who addressed himself to one of his ancestors, 'Your Majesty,' said he, 'has but two enemies, one is the whole world, the other your own ministers.' At any rate there is one view of the matter which it is impossible to overlook. He will at least be reminded, that there is yet in the world a corner, where truth may be fearlessly spoken—where the crimes of princes may be arraigned—where the oppressed may be vindicated—and where the oppressor may be called to account; that place is the Commons House of Parliament."—*Hear! hear! hear!*

THE END.

















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